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FILED
FEB 27 2017
OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 16-309

IN THE
Supreme Court of the United States

DIVNA MASLENJAK,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

JOINT APPENDIX

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February 27, 2017

PETITION FOR WRIT OF CERTIORARI FILED
SEPTEMBER 8, 2016
CERTIORARI GRANTED JANUARY 13, 2017

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General Docket
United States Court of Appeals for the Sixth Circuit

Court of Appeals **Docket #: 14-3864** USA v. Divna Maslenjak **Appeal From:** Northern District of Ohio at Cleveland **Fee Status:** In Forma Pauperis	**Docketed:** **09/04/2014** **Termed:** **04/07/2016**
Case Type Information: **1)** Criminal **2)** Direct Criminal **3)** null	
Originating Court Information: **District:** 0647-1 : 1:13-cr-00126-1 **Court Reporter:** Mary L. Uphold **Trial Judge:** Benita Y. Pearson, U.S. District Judge **Date Filed:** 03/05/2013 **Date Order/Judgment:** 08/15/2014	**Date NOA Filed:** 08/28/2014
Prior Cases: None **Current Cases:** None	

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UNITED STATES OF AMERICA
Plaintiff - Appellee

v.

DIVNA MASLENJAK
Defendant - Appellant

09/04/2014	□ 1 3 pg, 12.58 KB	Criminal Case Docketed. Notice filed by Appellant Divna Maslenjak. Transcript needed: y. (MMD)
09/04/2014	□ 2	The case manager for this case is: Michelle Davis (MMD)
09/04/2014	□ 3 1 pg, 81.71 KB	APPEARANCE filed for Appellee USA by Daniel R. Ranke. Certificate of Service: 09/04/2014. (DRR)

09/10/2014	□ 4 1 pg, 26.06 KB	APPEARANCE filed for Appellant Divna Maslenjak by Peter T. Cahoon. Certificate of Service: 09/10/2014. (PTC)
10/07/2014	□ 5 0 pg, 0 KB	Pre-sentence report filed. (KAL)
10/23/2014	□ 6 1 pg, 49.62 KB	Copy of District Court Order filed granting in forma pauperis and request that the court of appeals appoint counsel. RE#54 (MMD)
03/10/2015	□ 7 2 pg, 86.14 KB	RULING LETTER SENT to appoint Mr. Jeffrey Nye for Divna Maslenjak, under the Criminal Justice Act. The appearance form and the transcript order forms are to be electronically filed by 03/24/2015. (KAL)
03/13/2015	□ 8 1 pg, 82.89 KB	APPEARANCE filed for Appellant Divna Maslenjak by Jeff Nye. Certificate of Service: 03/13/2015. (JN)
03/13/2015	□ 9 2 pg, 487.11 KB	TRANSCRIPT ORDER FORM filed by Mr. Jeffrey Nye for Divna Maslenjak; transcript ordered on 03/13/2015 from Court Reporter Ms. Mary L. Uphold. [9] Certificate of Service: 03/13/2015. (JN)

03/18/2015	□ 10	TRANSCRIPT ORDER financial arrangements confirmed by Ms. Mary L. Uphold for Document [9] transcript filed by Mr. Jeffrey Nye and Ms. Mary L. Uphold in 14-3864. Date Made:03/16/2015; Est. pp.: 895. Per notice from DC (ALM)
03/18/2015	□ 11 1 pg, 65.17 KB	TRANSCRIPT ORDER FORM filed by Mr. Daniel R. Ranke for USA; transcript ordered on 03/18/2015 from Court Reporter Ms. Mary L. Uphold. [11] Certificate of Service: 03/18/2015. (DRR)
03/31/2015	□ 12	TRANSCRIPT ORDER completed by Court Reporter Ms. Mary L. Uphold for Document [11] transcript filed by Mr. Daniel R. Ranke and Ms. Mary L. Uphold in 14-3864 , [9] transcript filed by Mr. Jeffrey Nye and Ms. Mary L. Uphold in 14- 3864. Date Hearing Held: 4/14-17/14, 8/7/14. Per notice from DC filed 3/27/15 (ALM)
04/01/2015	□ 13 5 pg, 18.09 KB	BRIEFING LETTER SENT setting briefing schedule: appellant brief due 05/14/2015;. appellee brief due 06/16/2015; (MMD)

05/11/2015	□ 14 6 pg, 110.42 KB	MOTION filed by Mr. Jeffrey Nye for Divna Maslenjak to extend time to file brief, to extend time to file appendix. Certificate of Service: 05/11/2015. (JN)
05/12/2015	□ 15 5 pg, 17.35 KB	RULING LETTER SENT granting motion to extend time to file brief [14] filed by Mr. Jeffrey Nye.; granting motion to extend time to file appendix [14] filed by Mr. Jeffrey Nye., resetting briefing schedule: appellant brief now due 05/21/2015. appellee brief now due 06/22/2015. (MMD)
05/21/2015	□ 16 1 pg, 82.84 KB	APPEARANCE filed for Appellant Divna Maslenjak by Gregory L. Skidmore. Certificate of Service: 05/21/2015. (GLS)
05/21/2015	□ 17 60 pg, 127.75 KB	APPELLANT BRIEF filed by Mr. Jeffrey Nye for Divna Maslenjak. Certificate of Service:05/21/2015. Argument Request: requested. (JN)
05/21/2015	□ 18 23 pg, 9.35 MB	APPENDIX filed by Mr. Jeffrey Nye for Divna Maslenjak. Volume: 1; Pages: 1 - 21. Certificate of Service: 05/21/2015. (JN)
06/17/2015	□ 19 51 pg, 141.71 KB	APPELLEE BRIEF filed by Mr. Daniel R. Ranke for USA. Certificate of Service:06/17/2015. Argument Request: waived. (DRR)

06/19/2015	□ 20 6 pg, 92.08 KB	MOTION filed by Mr. Jeffrey Nye for Divna Maslenjak to extend time to file brief. Certificate of Service: 06/19/2015. (JN)
06/22/2015	□ 21 5 pg, 17.48 KB	RULING LETTER SENT granting motion to extend time to file reply vbrief [20] filed by Mr. Jeffrey Nye., resetting briefing schedule:, reply brief due 7/13/15 (MMD)
07/13/2015	□ 22 28 pg, 62.19 KB	REPLY BRIEF filed by Attorney Mr. Jeffrey Nye for Appellant Divna Maslenjak. Certificate of Service: 07/13/2015. (JN)
08/25/2015	□ 23 2 pg, 13.31 KB	Oral argument date set for 9:00 a.m. on Thursday, October 8, 2015. Notice of argument sent to counsel on 08/25/2015. (LAG)
08/25/2015	□ 24 1 pg, 73.31 KB	Oral argument acknowledgment filed by Attorney Mr. Daniel R. Ranke for Appellee USA. Certificate of Service: 08/25/2015. (DRR)
09/18/2015	□ 25 1 pg, 82.83 KB	APPEARANCE filed for Appellant Divna Maslenjak by Patrick Haney. Certificate of Service: 09/18/2015. (PH)
09/18/2015	□ 26 1 pg, 25.38 KB	Oral argument acknowledgment filed by Attorney Mr. Patrick Haney for Appellant Divna Maslenjak. Certificate of Service: 09/18/2015. (PH)

10/08/2015	□ 27 1 pg, 12.33 KB	CAUSE ARGUED by Mr. Patrick Haney for Appellant Divna Maslenjak and Mr. Daniel R. Ranke for Appellee USA before Gibbons, Circuit Judge; McKeague, Circuit Judge and Anderson, U.S. District Judge. (DTS)
04/07/2016	□ 28 29 pg, 236.16 KB	OPINION and JUDGMENT filed: The judgment of the district court is AFFIRMED. Decision for publication. Julia Smith Gibbons (CONCURRING) and David W. McKeague, Circuit Judges; S. Thomas Anderson (AUTHORING), U.S. District Judge for the Western District of Tennessee, sitting by designation. (CL)
04/21/ 2016	□ 29 48 pg, 184.32 KB	PETITION for en banc rehearing filed by Mr. Gregory L. Skidmore for Divna Maslenjak. Certificate of Service: 04/21/2016. (GLS)
05/02/2016	□ 30 1 pg, 10.11 KB	LETTER SENT to Mr. Daniel R. Ranke for USA, notifying that he is directed to respond to petition for en banc rehearing filed by Mr. Gregory L. Skidmore. Response due 05/16/2016. (BLH)

05/10/2016	▫ 31 15 pg, 46.79 KB	RESPONSE to petition for en banc rehearing, [29], previously filed by filed by Mr. Gregory L. Skidmore in 14-3864. Response filed by Mr. Daniel R. Ranke for USA. Certificate of service: 05/10/2016. (DRR)
05/27/2016	▫ 32 2 pg, 74.93 KB	ORDER filed denying petition for en banc rehearing [29] filed by Mr. Gregory L. Skidmore. Julia Smith Gibbons and David W. McKeague, Circuit Judges; and S. Thomas Anderson, District Judge. (BLH)
06/06/2016	▫ 33 2 pg, 10.98 KB	MANDATE ISSUED with no costs taxed. (MMD)
09/16/2016	▫ 34 1 pg, 69.22 KB	U.S. Supreme Court notice filed regarding a petition for a writ of certiorari filed by Appellant Divna Maslenjak. Supreme Court Case No:16-309, 09/08/2016. (CL)
01/17/2017	▫ 35 1 pg, 78.4 KB	U.S. Supreme Court letter filed granting the petition for a writ of certiorari [34] filed by Divna Maslenjak.. Supreme Court Case No: 16-309, 01/13/2017.. (CL)

Burke,Interpreter,Termed

U.S. District Court
Northern District of Ohio (Cleveland)
CRIMINAL DOCKET FOR CASE #: 1:13-cr-00126-BYP-1

Case title: United States of America v. Maslenjak

Date Filed: 03/05/2013
Date Terminated: 08/15/2014

Assigned to: Judge Benita Y. Pearson
Appeals court case number: 14-3864 6th Circuit

Defendant (1)

Divna Maslenjak
Serbian interpreter required
TERMINATED: 08/15/2014

represented by

Peter T. Cahoon
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TERMINATED: 03/11/2015
Designation: Retained

Pending Counts

18:1425(a); Naturalization Fraud (1)

Disposition

Defendant sentenced to a two year term of probation as to each of Counts 1 and 2 of the Indictment, such terms to be served concurrently, with standard and special conditions of supervision imposed. The Court waives the fine in this case. Defendant shall pay a $200.00 special assessment as to Counts 1 and 2 of the Indictment, which is due immediately.

18:1423; Misuse of Evidence of Naturalization (2)

Defendant sentenced to a two year term of probation as to each of Counts 1 and 2 of the Indictment, such terms to be served

concurrently, with standard and special conditions of supervision imposed. The Court waives the fine in this case. Defendant shall pay a $200.00 special assessment as to Counts 1 and 2 of the Indictment, which is due immediately.

Highest Offense Level (Opening)
Felony

Terminated Counts | **Disposition**
None

Highest Offense Level (Terminated)
None

Complaints | **Disposition**
None

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ATTORNEY TO BE NOTICED Designation: Retained

Date Filed	#	Docket Text
03/05/2013	1	**Indictment** filed by USA as to Divna Maslenjak (1) count(s) 1, 2. (Attachments: # 1 Designation Form and Foreperson Signature Page) (R,Sh) (Entered: 03/05/2013)
03/05/2013		Random Assignment of Magistrate Judge pursuant to Local Criminal Rule 57.9. In the event of a referral, case will be assigned to Magistrate Judge Burke. (R,Sh) (Entered: 03/05/2013)
03/07/2013	2	Notice of Appearance of Attorney Margaret A. Sweeney appearing for USA. *as Co-counsel* (Sweeney, Margaret) (Entered: 03/07/2013)
03/18/2013	3	**IMPORTANT:** Notice (SUMMONS) as to Divna Maslenjak. Arraignment set for 3/28/2013 at 10:30 AM in Courtroom 9B before Magistrate Judge Kenneth S. McHargh.(R,N) (Entered: 03/18/2013)
03/18/2013		Copy of 3 SUMMONS and 1 Indictment mailed to Ms. Divna

		Malsenjak at address listed on docket on 3/18/13. (R,N) (Entered: 03/18/2013)
03/26/2013	4	**IMPORTANT**: Notice as to Divna Maslenjak. The Arraignment set for 3/28/13 has been rescheduled and will be held on 3/29/2013 at 11:00 AM in Courtroom 9B before Magistrate Judge Kenneth S. McHargh. (R,N) (Entered: 03/26/2013)
03/26/2013		Copy of 4 Notice of Hearing or Conference mailed to Ms. Divna Maslenjak at address listed on docket on 3/26/13. The Courtroom Deputy also contacted Ms. Maslenjak by telephone and left a message for her regarding the date change. (R,N) (Entered: 03/26/2013)
03/29/2013	5	Notice of Appearance of Attorney - Peter T. Cahoon appearing for Divna Maslenjak (Cahoon, Peter) (Entered: 03/29/2013)
03/29/2013		**Minutes of proceedings** [non-document] before Magistrate Judge Kenneth S. McHargh. An Arraignment as to Divna Maslenjak (1) Count 1,2 held on 3/29/2013. AUS A Philip Tripi present for the government; Attorney Peter Cahoon present and retained by defendant. Serbian Interpreter Alma Thome also present for the defendant. Defendant waived the reading of the indictment and plead not guilty. Defendant to be released on

		a $10,000 unsecured appearance bond with conditions outlined. (Court Reporter: ECRO (S. Marshal)) Time: 25 minutes. (R,N) (Entered: 03/29/2013)
03/29/2013	6	Appearance Bond Entered as to Divna Maslenjak in amount of $ 10,000, unsecured. Approved by Magistrate Judge Kenneth S. McHargh (R,N) (Entered: 03/29/2013)
03/29 non	7	**Order** Setting Conditions of Release as to Divna Maslenjak (1) $10,000 unsecured appearance bond. Signed by Magistrate Judge Kenneth S. McHargh on 3/29/13. (R,N) (Entered: 03/29/2013)
05/02/2013	8	**Criminal Pretrial and Trial Order** as to Defendant Divna Maslenjak: Discovery shall be completed by 5/6/2013; Pretrial Motions shall be filed by 5/13/2013 and Responses shall be filed by 5/20/2013; A Final Pretrial Conference is set for 5/21/2013 at 2:00 PM in Courtroom 351 before Judge Benita Y. Pearson and a Jury Trial is set for 6/3/2013 at 9:00 AM in Courtroom 351 before Judge Benita Y. Pearson. Judge Benita Y. Pearson 5/2/2013. (R,Li) (Entered: 05/02/2013)
05/02/2013		Set hearings as to Defendant Divna Maslenjak. Final Pretrial Conference set for 5/21/2013 at 02:00 PM in Courtroom 351 before Judge Benita Y. Pearson. Jury Trial set for 6/3/2013 at 09:00 AM

		in Courtroom 351 before Judge Benita Y. Pearson.(R,Li) (Entered: 05/02/2013)
05/13/2013	9	**Motion** to continue Pretrial and Trial Dates and Extension of Time to File Pretrial Motions */Time Waiver of Defendant* by Divna Maslenjak. (Cahoon, Peter) (Entered: 05/13/2013)
05/17/2013		**Order** [non-document] denying 9 Motion to continue Pretrial and Trial Dates and Extension of Time to File Pretrial Motions as to Defendant Divna Maslenjak. The final Pretrial will occur as scheduled, and counsel can address the continuance again during that proceeding. Dates for filing pretrial motions is suspended until after the final pretrial hearing which will occur on 5/21/2013. Judge Benita Y. Pearson on 5/17/2013. (JLG) (Entered: 05/17/2013)
05/21/2013		**Minutes of proceedings** [non-document] before Judge Benita Y. Pearson; Final Pretrial Conference as to Defendant Divna Maslenjak held on 5/21/2013; Assistant U.S. Attorney Phillip J. Tripi was present as counsel for the Government; Defendant Divna Maslenjak was present and represented by Attorney Peter T. Cahoon; Serbian Interpreter Alma Thome was also present; the Defendant's Motion to Continue Pretrial and Trial (ECF No. 9) was

		revisited; based upon the reasons stated on the record, the Trial is rescheduled for 12/16/2013 at 9:00 a.m.; the Defendant continues to be released on bond; (Court Reporter: Mary Uphold) Time: 15 Minutes. (JLG) (Entered: 05/21/2013)
05/21/2013	10	**Order** to Continue - Ends of Justice as to Defendant Divna Maslenjak. The trial in this case is rescheduled for 12/16/2013 at 9:00 a.m. A final pretrial conference shall be held on 11/14/2013 at 1:00 p.m. Judge Benita Y. Pearson on 5/21/2013. (JLG) (Entered: 05/21/2013)
11/13/2013	11	**Motion** to continue Final Pretrial and Trial by Divna Maslenjak. (Cahoon, Peter) Modified to term motion event on 11/13/2013 (JLG). (Entered: 11/13/2013)
11/13/2013	12	**Order** to Continue - Ends of Justice as to Defendant Divna Maslenjak. For the reasons set forth herein, the Final Pretrial Conference is reset for 2/4/2014 at 1:00 p.m. and the Jury Trial is reset for 2/17/2014 at 9:00 a.m. in Courtroom 351 before Judge Benita Y. Pearson. The Criminal Pretrial and Trial Order previously issued, ECF No. 8, remains in effect in all other respects. All new due dates shall be calculated by counsel so that the parties comply with the time frames set by the Criminal

		Pretrial and Trial Order in addition to all other obligations imposed by that order. Judge Benita Y. Pearson on 11/13/2013. (JLG) Related document(s) 11 . Modified to create link on 11/13/2013 (JLG). (Entered: 11/13/2013)
11/27/2013	13	**IMPORTANT:** Notice as to Defendant Divna Maslenjak. Jury Trial reset for 2/18/2014 at 9:00 a.m. in Courtroom 351 before Judge Benita Y. Pearson. (JLG) (Entered: 11/27/2013)
12/04/2013	14	Notice of Substitution of Attorney. Margaret A. Sweeney removed from case, Adam Hollingsworth appearing for USA.(Hollingsworth, Adam) (Entered: 12/04/2013)
02/04/2014		**Minutes of proceedings** [non-document] before Judge Benita Y. Pearson. Final Pretrial Conference as to Defendant Divna Maslenjak held on 2/4/2014. Defendant Divna Maslenjak was present and represented by Attorney Peter T. Cahoon; Assistant U.S. Attorney Adam Hollingsworth was present on behalf of the Government; and Serbian Interpreter Alma Thome was also present. Defense counsel moved for a continuation of the Trial date. The Court finds that the ends of justice served by granting the Defendant's oral motion to continue in the instant matter outweighs the best interests of the public and

		Defendant in proceeding more speedily. The motion to continue the 2/18/2014 Trial date is granted, and the matter is reset for Trial beginning on 4/14/2014 at 9:00 a.m., with a Pretrial set for 3/27/2014 at 1:00 p.m. The Criminal Pretrial and Trial Order previously issued, ECF No. 8, remains in effect in all other respects. All new due dates shall be calculated by counsel so that the parties comply with the time frames set by the Criminal Pretrial and Trial Order in addition to all other obligations imposed by that order. (Court Reporter: Mary Uphold); Time: 6 Minutes. (JLG) (Entered: 02/04/2014)
03/11/2014	15	Unopposed **Motion** to continue Pretrial Conference *or Reschedule to March 26, 2014*, by United States of America as to Divna Maslenjak. (Hollingsworth, Adam) (Entered: 03/11/2014)
03/19/2014		**Order** [non-document] denying as requested, in part, 15 Unopposed Motion to Continue Pretrial Conference as to Defendant Divna Maslenjak. Final Pretrial Conference reset for 4/8/2014 at 1:30 p.m. in Courtroom 351 before Judge Benita Y. Pearson. Judge Benita Y. Pearson on 3/19/2014. (JLG) (Entered: 03/19/2014)
03/21/2014	16	**IMPORTANT:** Notice as to Defendant Divna Maslenjak. Final

		Pretrial Conference reset for 4/1/2014 at 12:00 p.m. in Courtroom 351 before Judge Benita Y. Pearson. Trial remains set for 4/14/2014 at 9:00 a.m. (JLG) (Entered: 03/21/2014)
04/01/2014		**Minutes of proceedings** [non-document] before Judge Benita Y. Pearson. Final Pretrial as to Defendant Divna Maslenjak held on 4/1/2014. Defendant Divna Maslenjak was present and represented by Attorney Peter T. Cahoon; Assistant U.S. Attorney Adam Hollingsworth was present as counsel for the Government; and Serbian Interpreter Alma Thome was also present. Defendant intends to fde timely motions by 4/4/2014, with the Government to file responses by 4/11/2014 or, if necessary, counsel shall confer and file with the Court an ends of justice motion for a continuance of the 4/14/2014 Trial date. Case remains set for Trial on 4/14/2014 at 9:00 a.m. (Court Reporter: Mary Uphold); Time: 10 Minutes. (JLG) (Entered: 04/01/2014)
04/04/2014	17	Proposed Jury Instructions by United States of America as to Divna Maslenjak (Hollingsworth, Adam) (Entered: 04/04/2014)
04/04/2014	18	Proposed Voir Dire by United States of America as to Divna Maslenjak (Hollingsworth, Adam) (Entered: 04/04/2014)

04/04/2014	19	Notice *of Filing Joint Preliminary Statement* as to Divna Maslenjak (Hollingsworth, Adam) (Entered: 04/04/2014)
04/04/2014	20	Trial Brief by Divna Maslenjak (Cahoon, Peter) (Entered: 04/04/2014)
04/04/2014	21	**Motion** in Limine by Divna Maslenjak. (Attachments: # 1 Exhibit A - Refugee Application Worksheet (Government Exhibit 11), # 2 Exhibit B - Excerpt of Trial Proceedings (USA v. Ratko Maslenjak))(Cahoon, Peter) (Entered: 04/04/2014)
04/04/2014	22	Trial Brief by United States of America as to Divna Maslenjak (Hollingsworth, Adam) (Entered: 04/04/2014)
04/09/2014	23	Witness List by Divna Maslenjak (Cahoon, Peter) (Entered: 04/09/2014)
04/09/2014	24	Witness List by United States of America as to Divna Maslenjak (Hollingsworth, Adam) (Entered: 04/09/2014)
04/11/2014	25	**Response** by United States of America in opposition to **Motion** in Limine 21 as to Divna Maslenjak (Hollingsworth, Adam) (Entered: 04/11/2014)
04/11/2014	26	Notice *of Objection to Witnesses* as to Divna Maslenjak (Hollingsworth, Adam) (Entered: 04/11/2014)
04/11/2014	27	Defendant's Objections to Government's Witness/Exhibit List 24 (Cahoon, Peter) Modified

		text on 4/21/2014 (S,L). (Entered: 04/11/2014)
04/14/2014		**Minutes of proceedings** [non-document] before Judge Benita Y. Pearson. Jury Trial as to Defendant Divna Maslenjak held on 4/14/2014. Defendant Divna Maslenjak was present and represented by Attorney Peter T. Cahoun; Assistant U.S. Attorneys Adam Hollingsworth and Phillip J. Tripi were present on behalf of the Government; and Alma Thorne was present as Interpreter. The Court issued its ruling on Defendant's Motion in Limine (ECF No. 21). Regarding the work sheet of notes prepared by Monica Rahmeyer, the document can be used to refresh Ms. Rahmeyer's recollection and she can rely upon it, but it cannot be published to the juiy as an exhibit. The Government is not permitted to make any reference to Mr. Maslenjak's criminal charges or conviction, but it can introduce evidence of his pending deportation and its relevance with respect to Count 2 in this case. The Court was satisfied with the Government's proffer of authenticity with respect to the documents obtained from the ICTY, and the Government is permitted to introduce evidence as to their source and their reliability. Finally, the

		Government will refrain from making any reference to Mr. Maslenjak's statements regarding his own military service that he gave in an interview with government agents, and can approach the Court if the Government desires to re-raise that issue. The Court overruled the Government's objection to witnesses (ECF No. 26), with the understanding that 404(a)(2)(A) would permit it, but the Court will not permit redundancy. Voir Dire held and jury impaneled. Trial continued until 9:00 a.m. on 4/15/2014. (Court Reporter: Mary Uphold); Time: 5 Hours 20 Minutes. (JLG) (Entered: 04/14/2014)
04/15/2014		**Minutes of proceedings** [non-document] before Judge Benita Y. Pearson. Jury Trial as to Defendant Divna Maslenjak continued on 4/15/2014. Defendant Divna Maslenjak was present and represented by Attorney Peter T. Cahoun; Assistant U.S. Attorneys Adam Hollingsworth and Phillip J. Tripi were present on behalf of the Government; and Alma Thome was present as Interpreter. Testimony and evidence presented. Trial continued until 9:00 a.m. on 4/16/2014. (Court Reporter: Mary Uphold); Time: 4 Hours 30 Minutes. (JLG) (Entered: 04/15/2014)

04/15/2014	28	Stipulation that the documents contained in the Alien Registration Files of Divna and Ratko Maslenjak are authentic filed by United States of America and Defendant Divna Maslenjak. (JLG) (Entered: 04/16/2014)
04/15/2014	29	Stipulation that Government's Exhibit #45 is a true copy of the transcript of Defendant's sworn testimony on 4/28/2009 during a hearing related to Ratko Maslenjak, filed by United States of America and Defendant Divna Maslenjak. (JLG) (Entered: 04/16/2014)
04/16/2014		**Minutes of proceedings** [non-document] before Judge Benita Y. Pearson. Jury Trial as to Defendant Divna Maslenjak continued on 4/16/2014. Defendant Divna Maslenjak was present and represented by Attorney Peter T. Cahoun; Assistant U.S. Attorneys Adam Hollingsworth and Phillip J. Tripi were present on behalf of the Government; and Alma Thome was present as Interpreter. Testimony and evidence presented. The Government rested. Defendant presented testimony and evidence. The Defendant rested. The motions for acquittal made at the close of Government's case and at the close of Defendant's case were denied. Exhibit admission completed. Trial continued until 9:00 a.m. on

		4/17/2014. (Court Reporter: Maiy Uphold); Time: 4 Hours 45 Minutes. (JLG) (Entered: 04/16/2014)
04/17/2014	30	**Order** The jurors will be provided lunch at the Court's expense during their deliberations on 4/17/2014, and continuing until deliberations are complete. Judge Benita Y. Pearson on 4/17/2014. (JLG) (Entered: 04/17/2014)
04/17/2014	31	Final Exhibit List by United States of America as to Defendant Divna Maslenjak. (JLG) (Entered: 04/17/2014)
04/17/2014	32	Certification of Trial Exhibits for Jury Deliberations by United States of America and Defendant Divna Maslenjak. (JLG) (Entered: 04/17/2014)
04/17/2014	33	Jury Verdict Forms as to Defendant Divna Maslenjak (Redacted). (JLG) (Additional attachment(s) added on 4/17/2014: # 1 Jury Verdict Forms - Unredacted) (JLG). (Entered: 04/17/2014)
04/17/2014	34	Jury Note as to Defendant Divna Maslenjak (Redacted). (JLG) (Additional attachment(s) added on 4/17/2014: # 1 Jury Note - Unredacted) (JLG). (Entered: 04/17/2014)
04/17/2014		**Minutes of proceedings** [non-document] before Judge Benita Y. Pearson. Jury Trial as to Defendant Divna Maslenjak continued on 4/17/2014. Defendant

		Divna Maslenjak was present and represented by Attorney Peter T. Cahoun; Assistant U.S. Attorneys Adam Flollingsworth and Phillip J. Tripi were present on behalf of the Government; and Alma Thome was present as Interpreter. Jury Instmctions given. Closing arguments heard. Jury Deliberations begun. Guilty verdicts submitted as to Counts 1 and 2 of the Indictment. Defendant's bond continued. Sentencing set for 8/5/2014 at 10:00 a.m. before Judge Benita Y. Pearson in Courtroom 351, Youngstown, Ohio. Defendant referred to Probation for preparation of a Presentence Investigation Report. (Court Reporter: Mary Uphold) Time: 2 Hours 45 Minutes. (JLG) (Entered: 04/17/2014)
05/01/2014	35	**Motion** for Acquittal (*Renewed*) by Divna Maslenjak. (Cahoon, Peter) (Entered: 05/01/2014)
05/01/2014	36	**Motion** for New Trial by Divna Maslenjak. (Attachments: # 1 Exhibit A - Indictment, # 2 Exhibit B - USA v. Lutz)(Cahoon, Peter) (Entered: 05/01/2014)
05/05/2014	37	**IMPORTANT:** Notice as to Defendant Divna Maslenjak. Sentencing set for 8/5/2014 at 10:00 a.m. in Courtroom 351 before Judge Benita Y. Pearson. (JLG) (Entered: 05/05/2014)
05/08/2014	38	**Response** by United States of

		America in opposition to Motion for Acquittal (*Renewed*) 35 as to Divna Maslenjak (Hollingsworth, Adam) (Entered: 05/08/2014)
05/08/2014	39	**Response** by United States of America in opposition to Motion for New Trial 36 as to Divna Maslenjak (Hollingsworth, Adam) (Entered: 05/08/2014)
06/20/2014	40	**Memorandum of Opinion and Order** For the reasons set forth herein, Defendant's Motions for Acquittal and for New Trial (ECF Nos. 35; 36) are denied. Judge Benita Y. Pearson on 6/20/2014. (JLG) (Entered: 06/20/2014)
07/07/2014	42	**Motion** to *Revoke Citizenship and to Cancel Naturalization Certificate* by United States of America as to Divna Maslenjak. (Tripi, Phillip) Modified to term motion event on 8/12/2014 (JLG). (Entered: 07/07/2014)
08/01/2014	45	**IMPORTANT:** Notice as to Defendant Divna Maslenjak. Sentencing reset for 8/7/2014 at 12:00 p.m. in Courtroom 351 before Judge Benita Y. Pearson. Related document(s) 37. (JLG) (Entered: 08/01/2014)
08/06/2014	46	**Response** to **Motion** to *Revoke Citizenship and to Cancel Naturalization Certificate* 42 as to Divna Maslenjak (Cahoon, Peter) (Entered: 08/06/2014)
08/07/2014		**Minutes of proceedings** [non-document] before Judge Benita Y. Pearson. Sentencing held on

		8/7/2014 as to Defendant Divna Maslenjak. Defendant Divna Maslenjak was present and represented by Attorney Peter T. Cahoon; Assistant U.S. Attorney Adam Hollingsworth was present on behalf of the Government; Alma Thorne was present as Interpreter; and U.S. Pretrial Services and Probation Officer Jennifer Burke was also present. Defendant sentenced to a two year term of probation as to each of Counts 1 and 2 of the Indictment, such terms to be served concurrently, with standard and special conditions of supervision imposed. The Court waives the fine in this case. Defendant shall pay a $200.00 special assessment as to Counts 1 and 2 of the Indictment, which is due immediately. For the reasons stated on the record, the Government's Motion to Revoke Citizenship and to Cancel Naturalization Certificate was granted (ECF No. 42) and Defendant's Motion to Stay was overruled (ECF No. 46); a separate Order will issue. (Court Reporter: Mary Uphold); Time: 1 Hour. (JLG) Modified text and regenerated NEF's on 8/12/2014. (Entered: 08/07/2014)
08/11/2014	48	Proposed Order by United States of America as to Divna Maslenjak 42 **Motion** to *Revoke Citizenship*

		and to Cancel Naturalization Certificate filed by United States of America (Tripi, Phillip) (Entered: 08/11/2014)
08/14/2014	49	**Order**. For the reasons set forth herein, it is ordered that the final order admitting Defendant Divna Maslenjak to citizenship is hereby revoked, set aside and declared void, and her certificate of naturalization is hereby canceled. Defendant Divna Maslenjak shall surrender the certificate of naturalization to the Department of Homeland Security. Judge Benita Y. Pearson on 8/14/2014. Related document(s) 42. (JLG) (Entered: 08/14/2014)
08/15/2014	50	**Criminal Judgment** as to Defendant Divna Maslenjak. Defendant sentenced to a two year term of probation as to each of Counts 1 and 2 of the Indictment, such terms to be served concurrently, with standard and special conditions of supervision imposed. The Court waives the fine in this case. Defendant shall pay a $200.00 special assessment as to Counts 1 and 2 of the Indictment, which is due immediately. Judge Benita Y. Pearson on 8/15/2014. (JLG) (Entered: 08/15/2014)
08/28/2014	51	**NOTICE OF APPEAL** to the Sixth Circuit Court of Appeals from the 50 Judgment of 8/15/14, 49 Order of 8/14/14, filed by Divna

		Maslenjak. (Filing fee of $505 paid, receipt number 0647-6708037) (Cahoon, Peter). Modified text on 8/29/2014 (H,SP). (Entered: 08/28/2014)
08/29/2014		Transmission of Notice of Appeal as to Divna Maslenjak emailed to US Court of Appeals re 51 (H,SP) (Entered: 08/29/2014)
09/05/2014	52	Acknowledgment from USCA for the Sixth Circuit of receipt of 51 Notice of Appeal as to Divna Maslenjak (USCA# 14-3864). Date filed in USCA 9/4/14. (H,SP) (Entered: 09/05/2014)
09/17/2014	53	**Motion** *for Pauper Status and to Appoint Counsel* as to Divna Maslenjak (Attachments: # 1 Affidavit /Financial of Defendant)(Cahoon, Peter) Modified text and created motion event on 10/2/2014 (S,L). (Entered: 09/17/2014)
10/16/2014	54	**Order** granting 53. Motion for Pauper Status and to Appoint Counsel as to Defendant Divna Maslenjak. The Court requests the Court of Appeals to appoint counsel to represent the Defendant on appeal. Judge Benita Y. Pearson on 10/16/2014. (JLG) (Entered: 10/16/2014)
03/11/2015	55	Appeal Remark from USCA for the Sixth Circuit: Jeff Nye appointed to represent Divna Maslenjak re 51 Notice of Appeal (USCA# 14-3864) (H,SP) (Entered: 03/11/2015)
03/16/2015	56	Transcript Request by Divna

		Maslenjak for proceedings held on all trial related proceedings, including all testimony and all colloquy between the judge and attorneys (April 14, 15, 16, and 17 of 2014). Also sentencing held on August 8, 2014 before Judge Pearson, re 51 Notice of Appeal - Final Judgment. Court Reporter: Mary L. Uphold. Transcript required for appeal. (Attachments: # 1 Exhibit CJA Form 24)(S,CK) (Entered: 03/16/2015)
03/17/2015		Transcript Order as to Divna Maslenjak received by court reporter Mary L. Uphold. Estimated number of pages: Trial = 850 and sentencing = 45. Related Document 56 Transcript Order received on 3/16/2015. Financial arrangements made on 3/16/2015. Estimated completion date is 4/15/2015. (Uphold, Mary) (Entered: 03/17/2015)
03/18/2015	57	Non-Appeal Transcript Request *of Trial and Sentencing Hearing* by United States of America as to Divna Maslenjak for proceedings held on 4/14 - 4/17/14 and 8/8/14 before Judge Benita Y. Pearson. Court Reporter: Mary Uphold. Requested completion date: Within 30 Days (Ranke, Daniel) (Entered: 03/18/2015)
03/27/2015	58	Transcript of Jury Voir Dire as to Divna Maslenjak held on 4/14/14 before Judge Benita Y. Pearson. To obtain a bound copy of this

		transcript please contact court reporter Mary L. Uphold at (330) 884-7424 [226 pages]. Related Document 56, 57. (Uphold, Mary) (Entered: 03/27/2015)
03/27/2015	59	Transcript of Jury Trial - Volume I filed as to Divna Maslenjak for date of 4/14/14 before Judge Benita Y. Pearson, re 56 Transcript Request - Appeal, 57 Transcript Request, Court Reporter Mary L. Uphold, Telephone number (330) 884-7424 [pages 1-40], Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties requesting that privacy information be redacted must file a notice of intent to redact with the court by 4/3/2015. Redaction Request due 4/17/2015. Redacted Transcript Deadline set for 4/27/2015. Release of Transcript Restriction set for 6/25/2015. (Uphold, Mary) (Entered: 03/27/2015)
03/27/2015	60	Transcript of Jury Trial - Volume II filed as to Divna Maslenjak for date of 4/15/14 before Judge Benita Y. Pearson, re 56 Transcript Request - Appeal, 57 Transcript Request, Court Reporter Mary L. Uphold, Telephone number (330) 884-7424

		[pages 41-303 (263 total)]. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties requesting that privacy information be redacted must file a notice of intent to redact with the court by 4/3/2015. Redaction Request due 4/17/2015. Redacted Transcript Deadline set for 4/27/2015. Release of Transcript Restriction set for 6/25/2015. (Uphold, Mary) (Entered: 03/27/2015)
03/27/2015	61	Transcript of Jury Trial - Volume III filed as to Divna Maslenjak for date of 4/16/14 before Judge Benita Y. Pearson, re 56 Transcript Request - Appeal, 57 Transcript Request, Court Reporter Mary L. Uphold, Telephone number (330) 884-7424 [pages 304-508 (205 total)]. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties requesting that privacy information be redacted must file a notice of intent to redact with the court by 4/3/2015. Redaction

		Request due 4/17/2015. Redacted Transcript Deadline set for 4/27/2015. Release of Transcript Restriction set for 6/25/2015. (Uphold, Mary) (Entered: 03/27/2015)
03/27/2015	62	Transcript of Jury Trial - Volume IV filed as to Divna Maslenjak for date of 4/17/14 before Judge Benita Y. Pearson, re 56 Transcript Request - Appeal, 57 Transcript Request, Court Reporter Mary L. Uphold, Telephone number (330) 884-7424 [pages 509-618 (110 total)]. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties requesting that privacy information be redacted must file a notice of intent to redact with the court by 4/3/2015. Redaction Request due 4/17/2015. Redacted Transcript Deadline set for 4/27/2015. Release of Transcript Restriction set for 6/25/2015. (Uphold, Mary) (Entered: 03/27/2015)
03/27/2015	63	Transcript of Sentencing filed as to Divna Maslenjak for date of 8/7/14 before Judge Benita Y. Pearson, re 56 Transcript Request - Appeal, 57 Transcript Request, Court Reporter Mary L. Uphold,

		Telephone number (330) 884-7424 [43 pages]. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties requesting that privacy information be redacted must file a notice of intent to redact with the court by 4/3/2015. Redaction Request due 4/17/2015. Redacted Transcript Deadline set for 4/27/2015. Release of Transcript Restriction set for 6/25/2015. (Uphold, Mary) (Entered: 03/27/2015)
04/09/2015		CJA 24 as to Divna Maslenjak: Authorization to Pay Mary L. Uphold for Transcript of trial/sentencing, requested by Atty Jeff Nye. Signed by Judge Benita Y. Pearson on 3/30/15. (K,J) (Entered: 04/09/2015)
06/07/2016	65	True Copy of mandate from USCA for the Sixth Circuit: Affirming the District Court's judgment as to Divna Maslenjak (1) re 51 Notice of Appeal (USCA# 14-3864). Date issued as mandate 6/6/16, Costs: None (H,SP) (Entered: 06/07/2016)
09/20/2016	66	Appeal Remark from US Supreme Court: The petition for a writ of certiorari as to Divna Maslenjak (1) was filed on 9/8/16 and placed on the docket 9/9/16 as No. 16-309 (H,SP) (Entered: 09/20/2016)

01/18/2017	67	Appeal Order from US Supreme Court: Granting the petition for a writ of certi orari as to Divna Maslenjak (1) re 66 (No. 16-309) (H,SP) (Entered: 01/18/2017)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

DIVNA MASLENJAK,
Defendant.

Case No. 1:13-cr-126
Youngstown, Ohio
Tuesday, April 15, 2014
8:50 a.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE
BENITA Y. PEARSON
UNITED STATES DISTRICT JUDGE

JURY TRIAL
* * *

[DIRECT EXAMINATION OF TODD GARDNER]

* * *

Q. Okay. And you've indicated that you were processing these. What is — are you familiar with the term "refugee" as it is used in the United States immigration laws?

A. Oh, yes, I am. The term "refugee" is defined by the Immigration and Nationality Act in what is known as Section 101(a) (42), and it defines a refugee.

It's a long definition, but to paraphrase it, anyone who is outside of their country and has fled their country because they've suffered past persecution or they have a well-founded fear of persecution and can't return to their country because of that. And the basis of that persecution or that fear has to be on account of one of five grounds.

And those grounds are: race, religion, nationality, membership of a particular social group, or political opinion.

On rare occasions, we do process refugees that are still in their country, but those have been limited to a tiny number of countries.

And then also, there's another portion of the definition that denies refugee — denies refugee status to an individual if they've committed acts of persecution on the basis of those same five grounds I mentioned.

Q. Okay. And would that be a statutory bar to qualifying as a definition of "refugee," if one engaged in persecution?

A. Yes.

Q. With regard to — are you familiar with the Bosnian War displaced individuals; and specifically, although you didn't handle them yourself, are you familiar with the fact that Serbian ethnicity Bosnians were seeking refugee status with the United States?

A. Oh, absolutely. And, in fact, some of the cases that I was involved in involved Bosnian Serbs, too.

Q. They did? Okay.

A. They did, yes.

Q. And can you tell us, how does a person apply to become a refugee with the United States of America?

A. Okay. How a person applies is a little bit of a complicated process, because it's very different from most immigration processes.

In most immigration processes, an individual can obtain a form, fill it out, submit it and it starts the process. But the I-590 is not a form that's available to the public. It's only available to individuals that the State Department determines are of special humanitarian concern to the United States.

So each year what happens is the State Department determines which groups of individuals throughout the world or which types of populations they will invite to submit an I-590. The I-590 is the application.

And each year when that determination is made, basically what happens is the State Department has contractors all around the world that set up offices in these various countries. And the staff from these offices then will reach out to, whether it's a refugee camp or a population, and they will make it known that individuals that fall within these groups or categories then can come forward to their office and seek refugee resettlement.

Q. Does everyone who meets the definition of being a refugee get an opportunity to be admitted to the United States?

A. Well, all of the rules around refugee admissions is found in the Immigration and Nationality Act under a section called Section 207. And in that section, there are four prongs that a person must meet, or four prongs or conditions that a person must meet in order to be admitted to the United States as a refugee.

One I've already mentioned is that special humanitarian concern that the State Department establishes.

The second one is the refugee definition. So they have to meet that definition.

The third is that they can't already have some kind of immigration status in a third country. So —

And the last is they have to be what we call otherwise admissible to the United States. And what that means is they can't be inadmissible due to many of the grounds found in the Immigration and Nationality Act, specifically Section 212.

Q. Okay. So when we're talking about inadmissible, there are a series of grounds that the United States has set forth in law that limit a person from coming to the United States based on certain disqualifying factors?

A. That is correct. And this isn't — these disqualifying factors aren't limited to the refugee process. It's applied broadly to immigration.

But they include numerous things, anywhere from the commission of serious crimes, all the way to medical conditions, to, you know, if they commit fraud or misrepresentation or anything like that. So —

Q. So would it be fair to say that the same disqualifications would apply to a person seeking to visit the United States or attend here as a student, say, as compared to a refugee?

A. That's my understanding.

Q. All right. In 1998, were Bosnians being displaced as a result of the previous Civil War?

A. I'm sorry, what year is that?

Q. 1998.

A. Yes.

Q. And can you tell us a little bit about what type of priorities were given to determine who would gain access to become a United States refugee?

A. Sure. The State Department had determined, I believe in that year there were four priorities. I know at some point they limited it to three, but I believe it was four then.

Priority — and keep in mind that Priority 1 isn't a greater priority than Priority 2. These are just names. They all had equal priority. But Priority 1 was a referral from the United Nations High Commissioner for Refugees. If the UN referred someone to our program, then they would be of special humanitarian concern to the United States, so they would be able to file an I-590.

The second priority were a number of categories the State Department had set up to determine that these individuals would be allowed access. Some of them were, for instance, if an individual was married in a mixed marriage, for instance, a Bosnian Serb married to a Bosnian Croat, those individuals could come forward and seek protection. Other groups were people who may have been detained in a detention camp, for instance, they could come forward. There were a few others in that Priority 2.

Priority 3 and 4 are family-based. So if an individual has a family member that lives in the United States, and they came to the United States as a refugee or they obtained asylum status in the United States, they could then request that their family members still — you know, that were still overseas be

included in that refugee program. And that one is limited each year to various countries, and Bosnia was one of the countries that was designated.

Q. All right. In that year, were Bosnians of Serbian ancestry being invited to submit the Form I-590, Registration for Classification as a Refugee?

A. In that — in that particular program, Bosnians of any ethnicity that met those conditions were invited. So, yes, it would include Bosnian Serbs.

Q. And you indicated that there were some limits to this. How are the limits set as far as the number of overall refugees?

A. Okay. So the U.S. refugee program is a program that actually expires every year at the end of the fiscal year, and then it takes a presidential determination to create it once again for the new year. And that presidential determination then places a ceiling on the number of refugees that we can admit that year, and it also sort of splits up that ceiling amongst various regions.

And so I believe — I would say that generally, the average is about 100,000 admissions a year, but that number is fluctuated anywhere from maybe 60,000 up to 200,000, depending on what was happening in the world.

Q. Is the — at that time period, were those refugee upward limits being met usually on a yearly basis?

A. Usually they were, yes.

Q. What effect would there be if a family of aliens had sought and obtained refugee status, but had obtained that through fraud?

A. Well, since there is a ceiling, since there is a limit, the unfortunate thing is that for all of those cases that were approved where an applicant was being untruthful, it would deny a space for an applicant who would be truthful, so it would have a negative impact.

Q. And would one applying for refugee status have to meet the definition of a refugee, and also these other criteria that you talked about, the different prongs?

A. Yes, they would.

* * *

Q. All right. And then you indicated that one of the grounds for coming into the United States back then would be that you had a family member that was here, and that may allow a person to get that special status to be able to bring themselves to the United States.

Did the USCIS make accommodations for that individual's family members?

A. I am not sure I understand what you mean by "accommodations."

Q. Let me ask you a different way.

A. Sure.

Q. In each — you indicated that sometimes there's more than one person applying at a given time.

A. Uh-huh.

Q. Is that by family unit, or how is that broken down?

A. Yes, it is. The way the refugee process works, or the refugee benefit works, is that a spouse or their

qualifying children automatically get designated as refugees if the principal applicant is successful.

So let's say you have a family, a father, mother and children. If the father has a claim and it's successful, his wife and children — by qualifying children, they have to be under the age of 21 and unmarried, and they will also be included in that application automatically. They themselves do not have to make a claim. However, they have to be admissible, and they also cannot be barred.

Q. Okay. And what is the difference between being admissible and being barred?

A. Okay. For all practical purposes, for us there isn't much of a difference, but by law there is.

The bar basically falls under the definition of refugee. It's when I stated that if the person is a persecutor, they are barred from being defined as a refugee.

But the admissibility portions are that laundry list of things that would disqualify a person, such as a serious crime or if they were a terrorist or something like that, a national security threat, et cetera.

Q. Okay. And back in the Bosnia area, back in 1997, '98, would there have been a concern about the possibility that certain applicants could have been involved in persecution?

A. Well, one of the things that an adjudicator is responsible for is knowing the country conditions of the population that they are going to be adjudicating. So our officers, and officers in general, usually have briefings or materials that they study to know what was going on in the country from which these individuals have fled.

And we knew at the time that all of the warring sides in the war had committed human rights abuses. And so we were expected to be vigilant, to try to ascertain whether any of the case members were in any way implicated in those activities.

Q. In addition to requesting whether -- excuse me.

The form itself captures certain information, does it not, the I-590 form?

A. Yes, it does.

Q. And then you said there's also a biographic form. What form number is that, if you recall?

A. Okay. So the application form is the I-590. And what would typically happen is the I-590 has a portion where we ask why the person left their country. And the problem with the form is that that space is usually not nearly long enough to provide all of the information that's necessary.

So what the Refugee Service Center staff would do is they would do their own sort of bio of the individual, which contained the reasons and the story as to why they had problems in their country and why they had to leave.

And they would incorporate that into the I-590, and they would do that by stating on the I-590, "Please see the IOM bio." The form itself was called the IOM case summary sheet, I believe.

* * *

Q. All right. And would part of the educational process for the adjudication officers, would they check into the country conditions that they are going to be presented with?

A. Most of the briefings constituted information about country conditions.

In addition to that, officers are sort of expected to know their subject matters. We're expected to do our own research in addition to the briefings. So in many cases, let's say you would have a circuit ride team of asylum officers, they would have done their own independent research in addition to the briefings.

Q. At that time in '97, would the circumstances surviving incidents that occurred at Srebrenica, would that have been generally known to those people processing adjudications — or excuse me, adjudicating refugee applications?

A. From my recollection, I can say that we were aware of it. I think at that time —

MR. CAHOON: Objection.

THE COURT: Overruled.

THE WITNESS: I think at that time, though, we certainly didn't have as much information as we do today.

BY MR. TRIPI:

Q. But was it a matter of concern as far as military participation on the part of applicants, whether they be primary or derivative?

A. Yes, it would be. Regardless of whether you are a primary or derivative applicant, you cannot be barred, you cannot be inadmissible.

* * *

Q. All right. Now, going down a little further down the page, Question 13 asks to identify the military service for the applicant; is that correct?

A. That is correct.

Q. And what is the purpose of requesting that information be included in the I-590 form?

A. The reason that is included in the I-590, is because in instances of refugee adjudications, it is very common that potential refugees are fleeing countries where there is strife or problems or issues and such. And oftentimes, that strife is perpetrated by or conducted by military organizations. So we want to get up front whatever types of military organizations an individual might have been a participant of.

Q. Now, in this particular instance, on Exhibit 24, it's indicated "N/A," which I would take it probably referred to not applicable?

A. That is correct.

Q. For the derivative applicants that are relying on the principal applicant's refugee status, would they also be required to file an I-590?

A. Yes, they are.

Q. And would they have to identify, say the male members, if there are male adult members of the family, would they have to identify if they were a member of the military service?

A. Yes. Anybody would, if they had military service.

Q. All right. And without going into — I don't want you to look specifically at the form, but can you tell us, the former Republic of Yugoslavia, before it splintered up into many different parts, are you familiar with whether or not that country had a mandatory requirement for all able-bodied males to be a member of the military services?

A. We understood from our country conditions that prior to the breakup, military service was mandatory.

Q. And would it be unusual to find a notation that someone had been a member of the Yugoslavian Army?

A. Yes.

Q. It would be unusual?

A. Oh, I'm sorry, I thought you said "usual." It would be — you almost — for males of a certain age, it was very common. You almost always saw military service that was the mandatory military service.

Q. Now, just for reference, did the various different — in that country, did there come to be a designation for the various different types of military you could belong to, letter designations?

A. Yes. Prior to the breakup, we often saw JNA, which meant — I guess it would mean the — it stood for the Yugoslav National Army, or something of that.

Q. Okay. And can you tell me, for Serbians who may have participated in the Republika Srpska, the military units, how would that designation be?

A. Now we're reaching back many years. I'm sorry, I can't remember the letters, but there were — there were clear designations. I can't recall.

Q. Okay. Let me ask it a different way.

Would the Republika Srpska military be the same entity as the Yugoslavian Army?

A. No.

Q. This would be a separate military created under a fledgling republic that was trying to be born; is that correct?

A. That's our understanding.

Q. All right. And would a male applicant, in filing an I-590, who participated both as a Yugoslavian military member and later as a Republika Srpska military member, would that individual have to disclose both of those participations?

A. Yes, they would.

Q. And what is the significance of requiring that each applicant disclose whether they were part of the military?

A. We would want to explore a line of questioning to see what their activities were, whether they were involved in any activities that might be an issue as to whether or not they would be admissible to the United States as a refugee.

* * *

Q. And, now, I notice that there are these 16 bases that you say reflect whether a person is admissible. There's another question that is asked before she signs the form, immediately after the "Yes" or "No," and that's separate by itself.

Can you please read that to the jury?

A. It states, "Further, I have never ordered, assisted or otherwise participated in the persecution of any person because of race, religion or political opinion."

Q. Now, sir, can you tell the members of the jury and the court, why would that be set out separately from the top 16, if you know?

A. Yes. That was — in the original — or in an earlier iteration of this form, that language was not included. At some point in time it was determined that that was an important issue because the bar under

101(a)(42), and that we wanted to clearly have an indication from the applicant that they had not so participated in that manner.

Q. All right. And you would anticipate that if Divna Maslenjak and her husband both received refugee status as a result of this application process, they would have both represented that — each individually would have represented that they had not been involved in persecution?

A. If — if they signed this document, yes.

MR. CAHOON: Objection, Your Honor.

THE COURT: Overruled.

BY MR. TRIPI:

Q. And the — you referred that this last statement that you just read into the record goes back to the (a)(42). So this is trying to meet the actual definition of what it means to be a refugee; is that correct?

A. It refers back to 101(a)(42), the definition of a refugee, yes.

Q. And there's a requirement that this document be signed under oath; is that correct?

A. The applicant is under oath at the time that it is signed, yes.

Q. And that would be witnessed by the asylum officer or the refugee officer conducting the interview?

A. Yes, it would be.

Q. Would all of the documents that the immigration authorities requested with regard to applicants, would they ordinarily be under the penalty of perjury or under an oath of some sort?

A. They would all be under — they would certainly be under oath to tell the truth. The officer swears the applicant in at the very beginning of the process, and anything that comes thereafter during that process — or during that interview, including signatures, et cetera, we expect that they are truthful.

Q. And based upon your knowledge of how the application process was taking place back in '98, if you were presented with information on an I-590 indicating participation in the Republika Srpska military, would that have caused — based upon your training and experience — and I'm just talking about the process here. If that had been disclosed for any one of the applicants, what would — what would the refugee adjudicator need to do in that situation?

MR. CAHOON: Objection.

THE COURT: Overruled. You may answer if you know.

THE WITNESS: Yes. Officers were expected to pursue a line of questioning with regard to any military service. So whether it was the one you just described, or any military service, officers would want to know exactly what that applicant did, what their job was in the military, where they were and when they were there, what their activities were, what their orders were, et cetera.

MR. TRIPI: One moment, Your Honor. Just a couple more questions.

(Pause.)

BY MR. TRIPI:

Q. If a principal applicant — and, again, I'm just asking you about the process here, not this particular instance.

If a principal applicant made a misrepresentation about one of the derivative applicants, one of his or her family members, would that create issues for the ability for the adjudicator to adjudicate this in favor of a refugee status?

A. It would certainly raise issues. As we indicated earlier —

Q. What issues would be -- what issues would it raise with the adjudicator?

A. It would raise the issues that we discussed earlier on the 646, the issue number 7 and 15, whether the individual was providing misinformation in order to provide a benefit to someone else.

Q. All right. And — strike that.

A. There is another issue also that I should add, and that is —

MR. CAHOON: Objection.

THE COURT: Do you want him to ask — why don't you allow Mr. Tripi to ask a question.

BY MR. TRIPI:

Q. Are there any other issues that it would cause in the mind of the adjudicator as far as the successful adjudication of the principal applicant's request?

A. Yes. Adjudicators are expected to make a credibility determination in addition. We have to keep in mind that this benefit is a purely discretionary benefit. It's up to the adjudicator to determine not just whether the individual qualifies, but whether the

adjudicator found the individual's evidence to be truthful; and the adjudicator could make a determination, given certain evidence, that the individual is not credible and could deny the case on that basis also.

Q. And to what extent is the information being provided on the applicant's forms, these various forms you've identified, relied upon by USCIS in determining whether to grant refugee status?

A. Well, in the course of an adjudication — of this adjudication of a refugee case, the adjudicator is totally reliant on the forms, the information in the forms and the interview.

About a certain individual, there's generally no other way to get information other than those sources.

Q. All right. And why would that be, that there was no other way to get the information?

A. Well, ordinarily individuals are fleeing countries from which we have no access. We can't — it would be — it would go against our policies to try to contact a country that is persecuting its individuals to ask about individuals. That would violate privacy protections, et cetera. There's just no way to get that information.

Q. Is the information provided by the principal applicant and the derivative applicants, is that the primary source of the basis for making any determination?

A. Yes, it is.

Q. And whose burden is it to establish a grounds for becoming a refugee?

A. It is the applicant's burden.

* * *

[DIRECT EXAMINATION OF MONICA RAHMEYER]

THE COURT: I want you to answer directly the question: As a result of your training, what would you have done in response had you been informed that they had participated in the Republika Srpska military?

THE WITNESS: All right. Well, I would have gone to what we call a -- I call a question/answer format.

So, because this raised the possibility that there might have been — that he may have been a persecutor if he had been in that army, because they were involved in activities that were persecution as well, so I would have started a whole other sort of sub-interview.

I would have been interviewing him within that interview specifically, and I would have asked him questions. I would have written out the questions. I would have written out his answers.

And I would have asked things like, you know, "So when did you serve?" You know, "What was your position, or what was your rank when you served? Where did you serve? What activities were you involved in? Who did you serve under? How long did you serve?"

All those questions to get at, what was he involved in? Was he involved in any of these human rights abuses that have been documented in different country conditions?

BY MR. HOLLINGSWORTH:

Q. And in your review of the file, did you at any point ask any of those questions?

A. I did not.

And just one other thing about the question/answer. He would have had to sign every single page to verify that, yes, this was a conversation that took place with him.

And, no, that did not take place, because it was not brought up as an issue, because I was told that he was not in that army, and that he had been outside of the country.

And also, all of the documents that I reviewed prior to the interview were consistent with that testimony, that he was not in the Bosnian part of — or the Serb held part of Bosnia, and that he had been just in Yugoslavia during that time.

* * *

Q. Turning your attention to Government's Exhibit 29-1.

A. Yes.

Q. What is this document?

A. So this is the biographic information form. It's also part of the application. And each person would have had to have one filled out as well, each family member, including the children.

MR. HOLLINGSWORTH: Your Honor, I would ask at this time that it be published to the jury. I believe it already has been.

THE COURT: Mr. Cahoon?

MR. CAHOON: Objection, Your Honor.

THE COURT: You agree, it has been published, 29?

MR. CAHOON: I do, but I am objecting to it, Your Honor. Thank you.

THE COURT: Overruled.

BY MR. HOLLINGSWORTH:

Q. So we've got in front of us the biographic form for the defendant.

Where does it indicate that the defendant lived from August '92 to June '97?

A. Well, it talks about their residence for the last five years. There's a whole section on that.

Q. Right. And for the defendant, where does it indicate that she lived from August '92 to June '97?

A. Oh, I'm sorry. You want — okay. So from — thank you for making it bigger.

All right. So it says that she was in — from August '92 to June '97, she was in Bratunac, which was the Serbian part of Bosnia-Herzegovina.

Q. And when was this document signed?

A. This was signed on — it was signed in June of — yeah, June of '98, June 30th.

MR. HOLLINGSWORTH: For the record, Your Honor, and I defer to the witness's reading of this, but I believe it's January of '98.

THE WITNESS: Oh. I'm sorry, I mis- —

THE COURT: The jurors will decide for themselves if indeed they see it.

THE WITNESS: And it does look like it's January.

MR. HOLLINGSWORTH: Thank you, Your Honor.

BY MR. HOLLINGSWORTH:

Q. Referring your attention now to Government's Exhibit 30.

Have you seen this document before?

A. Yes, I have.

Q. When?

A. Well, I saw it, again, when I was reviewing for — when I was reviewing to testify, but, also, it would have been part of the application. It would have been part of the information in the application when I did the actual interview.

Q. And what is this document?

MR. CAHOON: Your Honor, I am going to object to any use of Government's Exhibit 30.

THE COURT: Overruled.

THE WITNESS: So this would be the biographic information sheet for the husband.

MR. HOLLINGSWORTH: And at this time, Your Honor, we would ask for permission to publish Government's 30.

THE COURT: It is published.

MR. HOLLINGSWORTH: Oh. Thank you, Your Honor.

BY MR. HOLLINGSWORTH:

Q. What does Government's Exhibit 30 say — where does it say that Mr. Maslenjak lived from August '92 to January '98?

A. It says he lived in Serbia.

Q. What town?

A. In — when I say "Serbia," I kind of inter- — I say "Serbia," but I mean — it is Yugoslavia or Serbia.

That he lived in Jagodina in Serbia, which was also consistent with their testimony and everything else that was in the application, really.

Q. Was the defendant's story consistent in the documents that you read?

A. Yes, it was.

Q. Were the documents consistent with the interview that she gave?

A. Yes, it was.

* * *

Q. Referring your attention to Government's Exhibit 28-2. Just remind the jurors what this document is.

THE COURT: Is this something they've seen before, sir?

MR. HOLLINGSWORTH: It is.

THE COURT: They are seeing it now.

THE WITNESS: This is the I-590, the Registration for Classification as Refugee form for the principal applicant's husband.

BY MR. HOLLINGSWORTH:

Q. And did — does the I-590 ask about military service?

A. It does, actually.

Q. And what was Mr. Maslenjak's answer to that question?

A. As far as military service, he —

MR. CAHOON: Excuse me, Your Honor. The same objection as before.

THE COURT: Thank you, Mr. Cahoon. Noted and overruled.

THE WITNESS: He noted that he had served in the military in 19, I believe it was '78 through 1980, and

that would have been when Yugoslavia was still a unified country; so it would have been the compulsory service that, in general, all young men had to do during that time.

BY MR. HOLLINGSWORTH:

Q. Did he disclose anywhere on this document his service in the VRS?

A. No, he didn't.

Q. And is that absence, is that omission consistent with the story that the defendant told you in the interview?

A. It was consistent with the interview —

MR. CAHOON: Objection.

THE COURT: Overruled.

THE WITNESS: It was consistent with the story during the interview, also consistent with all the documents that I had reviewed in preparation for the case, including the biographic information form, this form, the summary case sheet and the interview under oath.

* * *

[DIRECT EXAMINATION OF KARYN ZARLENGA]

Q. Did both Divna and Ratko Maslenjak receive lawful permanent resident status?

A. Yes, they did.

Q. Did they have to file a biographic information page as part of the I-485 application?

A. Yes, they did.

Q. And did your review of the file indicate that on a previous date, they had filed an I-485 application as part of the refugee process?

A. Yes.

Q. Is it unusual for the USCIS to request the same biographic information sheet to be filled out at each stage of the proceeding?

A. No, it is not.

Q. And did USCIS follow that same process here in requiring both Ratko and Divna Maslenjak to file a biographic information sheet in connection with their application for lawful permanent residence?

A. Yes.

Q. And showing you what's been marked as Government's Exhibit 35. If you could please identify that for us.

Do you have that up on your screen yet?

A. Yes. It is Mrs. Maslenjak's biographical information sheet, the Form G-325.

Q. And is this contained in her file?

A. Yes, it is.

MR. TRIPI: Your Honor, at this time I'd ask to publish this to the jury.

THE COURT: Mr. Cahoon?

MR. CAHOON: No objection, Your Honor.

THE COURT: Thank you, sir. It's being published.

MR. TRIPI: Thank you, Your Honor.

BY MR. TRIPI:

Q. This form was filed in conjunction with the I-485; is that correct?

A. Yes.

Q. And showing you specifically the section about a third of the way down, it has to do with applicant's residence for the last five years.

Can you tell us what she reported?

A. From 1992 to 1997, she reported living in Bratunac, Bosnia. And prior to that, she was in Jagodina, Serbia. And from 2000 to present when she would have filed in 2002, she claimed she was living in Barberton, Ohio.

Q. All right. And what date is that biographic information submitted by Divna Maslenjak?

A. It was filed with the form, and she indicated she signed it on June 24th, 2002.

Q. Was there a similar biographic information form located in Ratko Maslenjak's file connected with his application for permanent residency?

A. Yes.

Q. And showing you what's been marked as Government's 36. Would that be that form?

A. Yes.

MR. TRIPI: Your Honor, at this time, I'd like to publish Government's Exhibit 36 to the jury.

MR. CAHOON: Objection, Your Honor.

THE COURT: Noted and overruled. It is published.

MR. TRIPI: Thank you, Your Honor.

BY MR. TRIPI:

Q. Referring to this biographic information form, can you tell us what day it purports to have been signed by Ratko Maslenjak?

A. On June 24th, 2002.

Q. And did he fill out the section, or was it filled out on his behalf, about the applicant's residence for the last five years?

A. Yes, it was filled out. He —

Q. And did he sign the document indicating that this is his statement?

A. Yes.

Q. Can you tell us where he indicated he was residing in the five years prior to seeking adjustment to lawful permanent resident?

A. Well, he also indicated since entry into the United States, to be living in Barberton, Ohio, from 2000 to the filing. And prior to that, he claims that he was living in Jagodina, Serbia.

Q. Thank you.

* * *

[redacted]

.Justice
lization Service

OMB No. 1115-0057
Registration for Classification as Refugee

ing information. (Read instructions on reverse) A File No. [redacted]

(First) RATKO (Middle) (Last) MAELENJAK

NJEGOSEVA 27, JAGODINA, FRY

3. Date of birth: (month/day/year) [redacted] | Place of birth (city or town): ZENICA | (Province) | (Country) BH | Present nationality: BOSNIAN

4. Country from which I fled or was displaced: BOSNIA | Date of: (month/day/year) 21/AUG/92

5. Reasons (State in detail): Please see ATH #2

6. My present immigration status is: FRY (country in which residing) is: refugee

Evidence of my immigration status is: ID Card: [redacted]

(Describe)

7. Name of spouse:	8. Present address of spouse (if different):	9. Nationality of spouse:
DIVNA MAELENJAK	same as above	BOSNIAN

10. My spouse ☒ will ☐ will not accompany me to the United States.

11. Name of child (ren)	Date of birth	Place of birth	Present address (if different)
1. AMIDELA MAELENJAK	[redacted]	ZENICA, BH	same as above
2. BEJAMI MAELENJAK			

Place a mark (x) in front of name of each child who will accompany you to the United States.

12. Schooling or education

Name and location of school	Type	Dates attended	Title of degree or diploma
VOC. HIGH SCHOOL, ZENICA, BH	High	1975-1978	High school degree electrical technician

13. Military service

Country	Branch and organization	Dates	Serial No.	Rank attained
YUGOSLAVIA	communication	1979-1980		private

NOV 22 00 7:00AM 1434

Form I-590 (Rev. 11-13-92)Y

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U.S. Department of Justice
Immigration and Naturalization Service

OMB No. 1115-0087

Registration for Classification as Refugee

Type or print the following information. *(Read instructions on reverse)* A File No.: [redacted]

1. Name: (First) RATKO (Middle) (Last) MASLENJAK

2. Present address: NJEGOSEVA 27, JAGODINA, FRY

3. Date of birth: (month/day/year)	Place of birth (city or town)	(Province)	(Country)	Present nationality:
[redacted]	ZENICA		BH	BOSNIAN

4. Country from which I fled or was displaced: BOSNIA — On or about (month/day/year): 2/AUG/92

5. Reasons *(State in detail)*:

PLEASE SEE TOM BIO

6. My present immigration status in FRY *(country in which residing)* is: refugee

Evidence of my immigration status is: M-10 card: [redacted]

(Describe)

7. Name of spouse:	8. Present address of spouse *(if different)*:	9. Nationality of spouse:
DIVNA MASLENJAK	same as above	BOSNIAN

10. My spouse ☒ will ☐ will not accompany me to the United States.

11. Name of child (ren)

	Date of birth	Place of birth	Present address (if different)
A DANIJELA MASLENJAK	[redacted]	ZENICA, BH	same as above
A DEJAN MASLENJAK		↓	↓

Place a mark (x) in front of name of each child who will accompany you to the United States.

12. Schooling or education

Name and location of school	Type	Dates attended	Title of degree or diploma
VOC. HIGH SCHOOL, ZENICA, BH	High	1975-1978	High school degree, electrical technician

13. Military service

Country	Branch and organization	Dates	Serial No.	Rank attained
YUGOSLAVIA	communication	1979-1980		private

NOV 22 00 7:00 AM 1434

Form I-590 (Rev. 11-13-92)Y

14. Political, professional or social organizations of which I am now or have been a member or with which I am now or have been affiliated since my 16th birthday (If you have never been a member of any organization, state "None.")

NONE

15. I ☐ have ☒ have not been charged with a violation of law. (If you have ever been charged with a violation of law, give date, place and nature of each charge and the final result.)

16. I ☐ have ☒ have not been in the United States. (If you have ever been in the United States, show the dates of entry and departure and the purpose of your entry (visitor, permanent resident, student, seaman, etc.).

File or Alien Registration Number:

17. I have the following close relatives in the United States:

Name	Relationship	Present address
NA		

18. I am being sponsored by: Name and address of United States sponsor:

Date: 20 MAY 98

Signature of registrant: Haslejak Ratka

DO NOT WRITE BELOW THIS LINE

I, _____, do swear (affirm) that I know the contents of this registration subscribed by me including the attached documents, that the same are true to the best of my knowledge, and that corrections numbered ( ) to ( ) were made by me or at my request, and that this registration was signed by me with my full, true name:

Haslejak Ratka
(Complete and true signature of registrant)

Subscribed and sworn to before me by the above-named registrant at BELGRADE on 22-MAY-1998
(month/day/year)

(Signature and title of officer)

INTERVIEW [illegible]

DATE 22-MAY-98

AT BELGRADE

Immigration Officer

APPROVED

DATE

Officer in Charge

INSPECTION
SEP 28
REVIEWED

INSTRUCTIONS

This form should be executed, signed and submitted to the Officer in Charge of the nearest overseas office of the United States Immigration and Naturalization Service. When your name has been reached as a registrant you will be furnished additional instructions.

Registration - A separate Registration Form must be executed by each registrant and submitted in one copy. A Registration Form in behalf of a child under 14 years of age shall be executed by the parent of guardian.

Public reporting burden for this collection of information is estimated to average 35 minutes per response. If you have comments regarding the accuracy of this estimate or suggestions for simplifying this form, you can write to both the U.S. Department of Justice, Immigration and Naturalization Service Policy Directives and Instructions Branch (HQPDI), Washington, D.C. 20536 and to the Office of Management and Budget, Paperwork Reduction Project: OMB No. 1115-0087, Washington, D.C. 20503.

U.S. Department of Justice
Immigration and Naturalization Service

FORM G-325C
BIOGRAPHIC INFORMATION

(FAMILY NAME)	(FIRST NAME)	(MIDDLE NAME)	☐ MALE ☑ FEMALE	[redacted]	NATIONALITY
MASLINJAK	DIVNA				BOSNIAN
ALL OTHER NAMES USED			CITY AND COUNTRY OF BIRTH		
			ZENICA, BIH		

	FAMILY NAME	FIRST NAME	DATE, CITY AND COUNTRY OF BIRTH (IF KNOWN)	CITY AND COUNTRY OF RESIDENCE
FATHER	MIJATOVIC	MUSLIJA	1942 ZENICA, BIH	[redacted]
MOTHER (MAIDEN NAME)	BUTINA	ZEJNIJA	1945 ↓	

HUSBAND OR WIFE (IF NONE, SO STATE)	FAMILY NAME (FOR WIFE, GIVE MAIDEN NAME)	FIRST NAME	BIRTHDATE	CITY & COUNTRY OF BIRTH	DATE OF MARRIAGE	PLACE OF MARRIAGE
	MASLINJAK	BAJRO	[redacted]	ZENICA	[redacted]	ZENICA, BIH

FORMER HUSBANDS OR WIVES (FILL IN THE BLOCKS BELOW. IF NONE, STATE "NONE".)

FAMILY NAME (FOR WIFE, GIVE MAIDEN NAME)	FIRST NAME	BIRTHDATE	DATE & PLACE OF MARRIAGE	DATE AND PLACE OF TERMINATION OF MARRIAGE
MUJIC				

APPLICANT'S RESIDENCE LAST FIVE YEARS. LIST PRESENT ADDRESS FIRST.

STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	FROM MONTH	FROM YEAR	TO MONTH	TO YEAR
UNEGOVEVA 39	DAGOMIRA		ITALY	JUN	87	PRESENT TIME	
GAVRILA PRINCIPA 60	BRATUNAC		BIH	AUG	92	JUN	87
RUCE 16	ZENICA		BIH	DEC	81	AUG	92

APPLICANT'S EMPLOYMENT LAST FIVE YEARS. (IF NONE, SO STATE) LIST PRESENT EMPLOYMENT FIRST.

FULL NAME AND ADDRESS OF EMPLOYER	OCCUPATION	FROM MONTH	FROM YEAR	TO MONTH	TO YEAR
UNEMPLOYED		APR	92	PRESENT TIME	
PAPER FACTORY, ZENICA, BIH	student		81	APR	92

APPLICANT FOR REFUGEE STATUS

IF YOUR NATIVE ALPHABET IS IN OTHER THAN ROMAN LETTERS, WRITE YOUR NAME IN YOUR NATIVE ALPHABET BELOW:

20/ MAY 98
DATE

Maslinjak Divna
(SIGNATURE OF APPLICANT)

PENALTIES: SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

APPLICANT: BE SURE TO PUT YOUR NAME IN THE BOX OUTLINED BY HEAVY BORDER BELOW.

COMPLETE THIS BOX (FAMILY NAME)	(GIVEN NAME)	(MIDDLE NAME)
MASLINJAK	DIVNA	

FORM G-325C (Rev. 10-1-82)Y

GOVERNMENT EXHIBIT 29 1:13CR126

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U.S. Department of Justice
Immigration and Naturalization Service

FORM G-325C
BIOGRAPHIC INFORMATION

OMB No. 1115-0066

(FAMILY NAME)	(FIRST NAME)	(MIDDLE NAME)	SEX	MARITAL STATUS	NATIONALITY
MASLENJAK	RATKO		☒ MALE ☐ FEMALE	[redacted]	BOSNIAN

ALL OTHER NAMES USED — CITY AND COUNTRY OF BIRTH: ZENICA, BH

	FAMILY NAME	FIRST NAME	DATE, CITY AND COUNTRY OF BIRTH (IF KNOWN)	CITY AND COUNTRY OF RESIDENCE
FATHER	MASLENJAK	RANKO	1938 ZENICA, BH	[redacted]
MOTHER (MAIDEN NAME)	JANKOVIC	MILENA	1940 "	

HUSBAND OR WIFE (IF NONE, SO STATE)	FAMILY NAME (FOR WIFE, GIVE MAIDEN NAME)	FIRST NAME	BIRTHDATE	CITY & COUNTRY OF BIRTH	DATE OF MARRIAGE	PLACE OF MARRIAGE
	MIJATOVIC	DIJANA	[redacted]	ZENICA, BH	[redacted]	ZENICA, BH

FORMER HUSBANDS OR WIVES (TELL IN THE SPACE BELOW, IF NONE, STATE "NONE")

FAMILY NAME (FOR WIFE, GIVE MAIDEN NAME)	FIRST NAME	BIRTHDATE	DATE & PLACE OF MARRIAGE	DATE AND PLACE OF TERMINATION OF MARRIAGE
NONE				

APPLICANT'S RESIDENCE LAST FIVE YEARS. LIST PRESENT ADDRESS FIRST.

STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	FROM MONTH	FROM YEAR	TO MONTH	TO YEAR
NEGOTINSKA 27	ZAGORJE		BH	AUG	92	PRESENT TIME	
SVICE 76	ZENICA		BH	SINCE BIRTH		AUG	92

APPLICANT'S EMPLOYMENT LAST FIVE YEARS. (IF MIL. SO STATE) LIST PRESENT EMPLOYMENT FIRST.

FULL NAME AND ADDRESS OF EMPLOYER	OCCUPATION	FROM MONTH	FROM YEAR	TO MONTH	TO YEAR
UNEMPLOYED		APR	93	PRESENT TIME	
STEEL FACTORY, ZENICA, BH	electrician		78	APR	92

APPLICANT FOR REFUGEE STATUS

IF YOUR NATIVE ALPHABET IS IN OTHER THAN ROMAN LETTERS, WRITE YOUR NAME IN YOUR NATIVE ALPHABET BELOW.

30/MAY/98 — Maslenjak Ratko
(DATE) (SIGNATURE OF APPLICANT)

PENALTIES: SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

APPLICANT: BE SURE TO PUT YOUR NAME IN THE BOX OUTLINED BY HEAVY BORDER BELOW.

COMPLETE THIS BOX (FAMILY NAME)	(GIVEN NAME)	(MIDDLE NAME)
MASLENJAK	RATKO	

FORM G-325C (Rev. 10-1-92)Y

GOVERNMENT EXHIBIT 30 1:13CR126

Gov Ex 30-1

OMB No. 1115-0053

U.S. Department of Justice
Immigration and Naturalization Service

Form I-485, Application to Register Permanent Resident or Adjust Status

START HERE - Please Type or Print

FOR INS USE ONLY

Returned | Receipt

Resubmitted

Relocated Sent

Relocated Rec'd

Applicant Interviewed

Part 1. Information About You.

Family Name	Maslenjak	Given Name	Divna
Middle Initial			
Address - C/O	[redacted]		
Street Number and Name	[redacted]	Apt. #	
City	[redacted]		
State	[redacted]	Zip Code	[redacted]
Date of Birth (month/day/year)	[redacted]	Country of Birth	Bosnia-Herzegovina
Social Security	[redacted]	A # (if any)	[redacted]
Date of Last Arrival (month/day/year)	9-28-00	I-94	[redacted]
Current INS Status	Refugee	Expires on (month/day/year)	Indefinite

Part 2. Application Type. *(check one)*

I am applying for an **adjustment to permanent resident status because:** O 5-31-04

a. ☐ an immigrant petition giving me an immediately available immigrant visa number has been approved. (Attach a copy of the approval notice -- or a relative, special immigrant juvenile or special immigrant military visa petition filed with this application that will give you an immediately available visa number, if approved.)

b. ☐ my spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category that allows derivative status for spouses and children.

c. ☐ I entered as a K-1 fiance(e) of a U.S. citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiance(e). [Attach a copy of the fiance(e) petition approval notice and the marriage certificate.]

d. ☐ I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.

e. ☐ I am a native or citizen of Cuba admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least one year.

f. ☐ I am the husband, wife or minor unmarried child of a Cuban described in (e) and am residing with that person, and was admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least one year.

g. ☐ I have continuously resided in the U.S. since before January 1, 1972.

h. ☒ Other basis of eligibility. Explain. (If additional space is needed, use a separate piece of paper.) Refugee

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the U.S. as a nonimmigrant or parolee, or as of May 2,1964, whichever date is later, and: *(Check one)*

i. ☐ I am a native or citizen of Cuba and meet the description in (e), above.

j. ☐ I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f), above.

Continued on back

Section of Law
- ☒ Sec. 209(b), INA
- ☐ Sec. 13, Act of 9/11/57
- ☐ Sec. 245, INA
- ☐ Sec. 249, INA
- ☐ Sec. 2 Act of 11/2/66
- ☐ Sec. 2 Act of 11/2/66
- ☐ Other _____

Country Chargeable

Eligibility Under Sec. 245
- ☐ Approved Visa Petition
- ☐ Dependent of Principal Alien
- ☐ Special Immigrant
- ☐ Other _____

Preference E-6

Action Block

To be Completed by *Attorney or Representative, if any*

Fill in box if G-28 is attached to represent the applicant.

VOLAG #

ATTY State License #

Part 3. Processing Information.

A. City/Town/Village of Birth: Zenica	Current Occupation: Cook
Your Mother's First Name: Ljubica	Your Father's First Name: Bosko
Give your name exactly how it appears on your Arrival /Departure Record (Form I-94): Maslenjak Divna	No departures
Place of Last Entry Into the U.S. (City/State): NYC	In what status did you last enter? (Visitor, student, exchange alien, crewman, temporary worker, without inspection, etc.): Refugee
Were you inspected by a U.S. Immigration Officer? ☒ Yes ☐ No	
Nonimmigrant Visa Number: None	Consulate Where Visa Was Issued: N-A
Date Visa Was Issued (month/day/year): N-A	Sex: ☐ Male ☒ Female
	Marital Status: ☒ Married ☐ Single ☐ Divorced ☐ Widowed

Have you ever before applied for permanent resident status in the U.S.? ☒ No ☐ Yes If you checked "Yes," give date and place of filing and final disposition.

B. List your present husband/wife and all your sons and daughters. (If you have none, write "none." If additional space is needed, use a separate piece of paper.)

Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Maslenjak	Ratko	[redacted]	[redacted]
Country of Birth: Bosnia	Relationship: husband		Applying with You? ☒ Yes ☐ No
Family Name: Maslenjak	Given Name: Danijela	Middle Initial	Date of Birth (month/day/year) [redacted]
Country of Birth: Bosnia	Relationship: daughter	[redacted]	Applying with You? ☒ Yes ☐ No
Family Name: Maslenjak	Given Name: Dejan	Middle Initial	Date of Birth (month/day/year) [redacted]
Country of Birth: Bosnia	Relationship: son	[redacted]	Applying with You? ☒ Yes ☐ No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with You? ☐ Yes ☐ No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with You? ☐ Yes ☐ No

List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society or similar group in the United States or in other places since your 16th birthday. Include any foreign military service in this part. If none, write "none." Include the name(s) of the organization(s), location(s), dates of membership from and to, and the nature of the organization (s). If additional space is needed, use a separate piece of paper.

None

Part 3. Processing Information. *(Continued)*

Please answer the following questions. (If your answer is "Yes" to any one of these questions, explain on a separate piece of paper. Answering "Yes" does not necessarily mean that you are not entitled to adjust your status or register for permanent residence.)

1. Have you ever, in or outside the U.S.:
   a. knowingly committed any crime of moral turpitude or a drug-related offense for which you have not been arrested? ☐ Yes ☒ No
   b. been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic violations? ☐ Yes ☒ No
   c. been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action? ☐ Yes ☒ No
   d. exercised diplomatic immunity to avoid prosecution for a criminal offense in the U.S.? ☐ Yes ☒ No

2. Have you received public assistance in the U.S. from any source, including the U.S. government or any state, county, city or municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future? ☒ Yes ☐ No
   Refugee cash assistance Sept. to December 2000, food stamps Sept 2000 to March 2001.

3. Have you ever:
   a. within the past ten years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future? ☐ Yes ☒ No
   b. engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? ☐ Yes ☒ No
   c. knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the U.S. illegally? ☐ Yes ☒ No
   d. illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance? ☐ Yes ☒ No

4. Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to, any person or organization that has ever engaged or conspired to engage, in sabotage, kidnapping, political assassination, hijacking or any other form of terrorist activity? ☐ Yes ☒ No

5. Do you intend to engage in the U.S. in:
   a. espionage? ☐ Yes ☒ No
   b. any activity a purpose of which is opposition to, or the control or overthrow of, the government of the United States, by force, violence or other unlawful means? ☐ Yes ☒ No
   c. any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information? ☐ Yes ☒ No

6. Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party? ☐ Yes ☒ No

7. Did you, during the period from March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion? ☐ Yes ☒ No

8. Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin or political opinion? ☐ Yes ☒ No

9. Have you ever been deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, or are you now in exclusion or deportation proceedings? ☐ Yes ☒ No

10. Are you under a final order of civil penalty for violating section 274C of the Immigration and Nationality Act for use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S. or any immigration benefit? ☐ Yes ☒ No

11. Have you ever left the U.S. to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No

12. Have you ever been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement and not yet complied with that requirement or obtained a waiver? ☐ Yes ☒ No

13. Are you now withholding custody of a U.S. citizen child outside the U.S. from a person granted custody of the child? ☐ Yes ☒ No

14. Do you plan to practice polygamy in the U.S.? ☐ Yes ☒ No

Continued on back

Part 4. Signature. *(Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)*

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records which the INS needs to determine eligibility for the benefit I am seeking.

Selective Service Registration. The following applies to you if you are a man at least 18 years old, but not yet 26 years old, who is required to register with the Selective Service System: I understand that my filing this adjustment of status application with the Immigration and Naturalization Service authorizes the INS to provide certain registration information to the Selective Service System in accordance with the Military Selective Service Act. Upon INS acceptance of my application, I authorize INS to transmit to the Selective Service System my name, current address, Social Security number, date of birth and the date I filed the application for the purpose of recording my Selective Service registration as of the filing date. If, however, the INS does not accept my application, I further understand that, if so required, I am responsible for registering with the Selective Service by other means, provided I have not yet reached age 26.

Signature	*Print Your Name*	*Date*	
Divna Maslenjak	Maslenjak, Divna	6-27-02	[redacted]

Please Note: *If you do not completely fill out this form or fail to submit required documents listed in the instructions, you may not be found eligible for the requested benefit and this application may be denied.*

Part 5. Signature of Person Preparing Form, If Other Than Above. *(Sign Below)*

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature	*Print Your Name*	*Date*	
Patricia A. Barger	Patricia A. Barger	6-27-02	[redacted]

Firm Name and Address
International Institute
207 E. Tallmadge Avenue
Akron, OH 44310

GOVERNMENT PRINTING OFFICE: 2001-476-815

OMB No. 1115-0053

U.S. Department of Justice
Immigration and Naturalization Service

Form I-485, Application to Register Permanent Resident or Adjust Status

START HERE - Please Type or Print

FOR INS USE ONLY

Returned | Receipt

Resubmitted

Reloc Sent

Reloc Rec'd

Applicant Interviewed

Part 1. Information About You.

Family Name: Maslenjak	Given Name: Ratko
Address - C/O	Middle Initial
Street Number and Name: [redacted]	Apt. #
City: [redacted]	
State: [redacted]	Zip Code: [redacted]
Date of Birth (month/day/year): [redacted]	Country of Birth: Bosnia-Herzegovina
Social Security #: [redacted]	A # (if any): [redacted]
Date of Last Arrival (month/day/year): 9-28-00	I-94: [redacted]
Current INS Status: Refugee	Expires on (month/day/year): Indefinite

Part 2. Application Type. *(check one)*

I am applying for an adjustment to permanent resident status because:

a. ☐ an immigrant petition giving me an immediately available immigrant visa number has been approved. (Attach a copy of the approval notice -- or a relative, special immigrant juvenile or special immigrant military visa petition filed with this application that will give you an immediately available visa number, if approved.)

b. ☐ my spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category that allows derivative status for spouses and children.

c. ☐ I entered as a K-1 fiance(e) of a U.S. citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiance(e). (Attach a copy of the fiance(e) petition approval notice and the marriage certificate.)

d. ☐ I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.

e. ☐ I am a native or citizen of Cuba admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least one year.

f. ☐ I am the husband, wife or minor unmarried child of a Cuban described in (e) and am residing with that person, and was admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least one year.

g. ☐ I have continuously resided in the U.S. since before January 1, 1972.

h. ☒ Other basis of eligibility. Explain. (If additional space is needed, use a separate piece of paper.) Refugee adjustment

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the U.S. as a nonimmigrant or parolee, or as of May 2, 1964, whichever date is later, and: *(Check one)*

i. ☐ I am a native or citizen of Cuba and meet the description in (e), above.

j. ☐ I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f), above.

Continued on back

Section of Law
- ☐ Sec. 209(b), INA
- ☐ Sec. 13, Act of 9/11/57
- ☐ Sec. 245, INA
- ☐ Sec. 249, INA
- ☐ Sec. 2 Act of 11/2/66
- ☐ Sec. 2 Act of 11/2/66
- ☐ Other _____

Country Chargeable

Eligibility Under Sec. 245
- ☐ Approved Visa Petition
- ☐ Dependent of Principal Alien
- ☐ Special Immigrant
- ☐ Other _____

Preference

Action Block

To be Completed by *Attorney or Representative, if any*

☒ Fill in box if G-28 is attached to representing the applicant.

VOLAG #

ATTY State Licence #

AUG 12 2002 9:33 AM 3 U26

Part 3. Processing Information.

City/Town/Village of Birth: Zenica	Current Occupation: Machine operator
Your Mother's First Name: Milena	Your Father's First Name: Ranko

Give your name exactly how it appears on your Arrival/Departure Record (Form I-94): Maslenjak Ra[illegible] — No departures

Place of Last Entry into the U.S. (City): [illegible]C — In what status did you last enter? (*Visitor, student, exchange alien, crewman, temporary worker, without inspection, etc.*): Refugee

Were you inspected by a U.S. Immigration Officer? ☒ Yes ☐ No — Consulate Where Visa Was Issued: N-1

Nonimmigrant Visa Number: [illegible] — Date Visa Was Issued (month/day/year): [illegible] — Sex: ☐ Male ☐ Female — Marital Status: ☒ Married ☐ Single ☐ Divorced ☐ Widowed

Have you ever before applied for status or benefits under the immigration laws of the U.S.? ☒ No ☐ Yes If you checked "Yes," give date and place of filing and final disposition.

B. List your present husband/wife, all your sons and daughters. (If none, write "none." If additional space is needed, use a separate piece of paper.)

Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Nee: M[illegible]eate	Divna		[redacted]
Country of Birth: Bosnia	Relationship: W[illegible]e	[redacted]	Applying with You? ☒ Yes ☐ No
Family Name: Maslenjak	Given Name: Daniela	Middle Initial	Date of Birth (month/day/year): [redacted]
Country of Birth: Bosnia	Relationship: daughter	[redacted]	Applying with You? ☒ Yes ☐ No
Family Name: Maslenjak	Given Name: Dejan	Middle Initial	Date of Birth (month/day/year): [redacted]
Country of Birth: Bosnia	Relationship: son	[redacted]	Applying with You? ☒ Yes ☐ No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with You? ☐ Yes ☐ No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with You? ☐ Yes ☐ No

C. List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society or similar group in the United States or in other places since your 16th birthday. Include any foreign military service in this part. If none, write "none." Include the name(s) of the organization(s), location(s), dates of membership from and to, and the nature of the organization (s). If additional space is needed, use a separate piece of paper.

Yugoslavian Army 1979 1980

Part 3. Processing Information.

City/Town/Village of Birth: Zenica	Current Occupation: Machine operator
Your Mother's First Name: Milena	Your Father's First Name: Ranko
Give your name exactly how it appears on your Arrival/Departure Record (Form I-94): Maslenjak Ratko	No departures
Place of Last Entry Into the U.S. (City/State): NYC	In what status did you last enter? *(Visitor, student, exchange alien, crewman, temporary worker, without inspection, etc.)*: Refugee
Were you inspected by a U.S. Immigration Officer? ☒ Yes ☐ No	
Nonimmigrant Visa Number: None	Consulate Where Visa Was Issued: N-A
Date Visa Was Issued (month/day/year): N-A	Sex: ☒ Male ☐ Female — Marital Status: ☒ Married ☐ Single ☐ Divorced ☐ Widowed

Have you ever before applied for permanent resident status in the U.S.? ☒ No ☐ Yes If you checked "Yes," give date and place of filing and final disposition.

B. List your present husband/wife and all your sons and daughters. (If you have none, write "none." If additional space is needed, use a separate piece of paper.)

Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Nee: Mijatovic	Divna	[redacted]	[redacted]
Country of Birth: Bosnia	Relationship: wife		Applying with You? ☒ Yes ☐ No
Family Name: Maslenjak	Given Name: Danijela	Middle Initial	Date of Birth (month/day/year) [redacted]
Country of Birth: Bosnia	Relationship: daughter	[redacted]	Applying with You? ☒ Yes ☐ No
Family Name: Maslenjak	Given Name: Dejan	Middle Initial	Date of Birth (month/day/year) [redacted]
Country of Birth: Bosnia	Relationship: son	[redacted]	Applying with You? ☒ Yes ☐ No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with You? ☐ Yes ☐ No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with You? ☐ Yes ☐ No

C. List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society or similar group in the United States or in other places since your 16th birthday. Include any foreign military service in this part. If none, write "none." Include the name(s) of the organization(s), location(s), dates of membership from and to, and the nature of the organization (s). If additional space is needed, use a separate piece of paper.

Yugoslavian Army 1979 1980

Part 3. Processing Information. *(Continued)*

Please answer the following questions. (If your answer is "Yes" to any one of these questions, explain on a separate piece of paper. Answering "Yes" does not necessarily mean that you are not entitled to adjust your status or register for permanent residence.)

1. Have you ever, in or outside the U. S.:
   a. knowingly committed any crime of moral turpitude or a drug-related offense for which you have not been arrested? ☐ Yes ☒ No
   b. been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic violations? ☐ Yes ☒ No
   c. been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action? ☐ Yes ☒ No
   d. exercised diplomatic immunity to avoid prosecution for a criminal offense in the U. S.? ☐ Yes ☒ No
2. Have you received public assistance in the U.S. from any source, including the U.S. government or any state, county, city or municipality (other than emergency medical treatment) or are you likely to receive public assistance in the future? Refugee. ☒ Yes ☐ No
   cash assistance Sept. to December 2000, food stamps
3. Have you ever: Sept. 2000 to March 2001.
   a. within the past ten years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future? ☐ Yes ☒ No
   b. engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? ☐ Yes ☒ No
   c. knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the U.S. illegally? ☐ Yes ☒ No
   d. illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance? ☐ Yes ☒ No
4. Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to, any person or organization that has ever engaged or conspired to engage, in sabotage, kidnapping, political assassination, hijacking, or any other form of terrorist activity? ☐ Yes ☒ No
5. Do you intend to engage in the U.S. in:
   a. espionage? ☐ Yes ☒ No
   b. any activity a purpose of which is opposition to, or the control or overthrow of, the government of the United States, by force, violence or other unlawful means? ☐ Yes ☒ No
   c. any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information? ☐ Yes ☒ No
6. Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party? ☐ Yes ☒ No
7. Did you, during the period from March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion? ☐ Yes ☒ No
8. Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin or political opinion? ☐ Yes ☒ No
9. Have you ever been deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, or are you now in exclusion or deportation proceedings? ☐ Yes ☒ No
10. Are you under a final order of civil penalty for violating section 274C of the Immigration and Nationality Act for use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S. or any immigration benefit? ☐ Yes ☒ No
11. Have you ever left the U.S. to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
12. Have you ever been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement and not yet complied with that requirement or obtained a waiver? ☐ Yes ☒ No
13. Are you now withholding custody of a U.S. citizen child outside the U.S. from a person granted custody of the child? ☐ Yes ☒ No
14. Do you plan to practice polygamy in the U.S.? ☐ Yes ☒ No

Continued on back

Part 4. Signature. *(Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)*

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records which the INS needs to determine eligibility for the benefit I am seeking.

Selective Service Registration. The following applies to you if you are a male at least 18 years old, but not yet 26 years old, who is required to register with the Selective Service System: I understand that my filing this adjustment of status application with the Immigration and Naturalization Service authorizes the INS to provide certain registration information to the Selective Service System in accordance with the Military Selective Service Act. Upon INS acceptance of my application, I authorize INS to transmit to the Selective Service System my name, current address, Social Security number, date of birth and the date I filed the application for the purpose of recording my Selective Service registration as of the filing date. If, however, the INS does not accept my application, I further understand that, if so required, I am responsible for registering with the Selective Service by other means, provided I have not yet reached age 26.

Signature Ratko Maslenjak *Print Your Name* Maslenjak Ratko *Date* 6-17-02 [redacted]

Please Note: ***If you do not completely fill out this form or fail to submit required documents listed in the instructions, you may not be found eligible for the requested benefit and this application may be denied.***

Part 5. Signature of Person Preparing Form, If Other Than Above. ***(Sign Below)***

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature *Print Your Name* Patricia A Barger *Date* 6-21-02 [redacted]

Firm Name and Address

International Institute
207 E. Tallmadge Avenue
Akron, OH 44310

U.S. Department of Justice
Immigration and Naturalization Service

BIOGRAPHIC INFORMATION

OMB No. 1115-0066

(Family name)	(First name)	(Middle name)	☐ MALE ☒ FEMALE	BIRTHDATE (Mo. Day. Yr.)	NATIONALITY	FILE NUMBER
MASLENJAK	DIVNA				SERBIAN	A [redacted]

ALL OTHER NAMES USED (Including names by previous marriages)	CITY AND COUNTRY OF BIRTH	SOCIAL SECURITY NO.
NEE: MUHIC	ZENICA - BOSNIA	[redacted]

	FAMILY NAME	FIRST NAME	DATE, CITY AND COUNTRY OF BIRTH (If known)	CITY AND COUNTRY OF RESIDENCE
FATHER	MUJATOVIC	BOSKO	1942 ZENICA - BOSNIA	deceased
MOTHER (Maiden name)	DUTINA	LJUBICA	1945 ZENICA BOSNIA	[redacted]

HUSBAND (If none, so state) OR WIFE	(Last name) (For wife, give maiden name)	FIRST NAME	BIRTHDATE	CITY & COUNTRY OF BIRTH	DATE & PLACE OF MARRIAGE	PLACE OF MARRIAGE
	MASLENJAK	RATKO	[redacted]	ZENICA - BOSNIA	[redacted] ZENICA BOSNIA	Bosnia ZENICA

FORMER HUSBANDS OR WIVES (If none, so state) FAMILY NAME (For wife, give maiden name)	FIRST NAME	BIRTHDATE	DATE & PLACE OF MARRIAGE	DATE AND PLACE OF TERMINATION OF MARRIAGE
None				

APPLICANT'S RESIDENCE LAST FIVE YEARS. LIST PRESENT ADDRESS FIRST.

STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	FROM MONTH	FROM YEAR	TO MONTH	TO YEAR
	bratunac	BOSNIA			1992	PRESENT TIME	
HERCEGOVINA 27	JAGODINA	SERBIA	YUGOSLAVIA	09	97	09	00
[redacted]	[redacted]	[redacted]	[redacted]	09	2000	to present	

APPLICANT'S LAST ADDRESS OUTSIDE THE UNITED STATES OF MORE THAN ONE YEAR

STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	FROM MONTH	FROM YEAR	TO MONTH	TO YEAR
NJEGOSEVA 27	JAGODINA	SERBIA	YUGOSLAVIA	09	97	09	2000

APPLICANT'S EMPLOYMENT LAST FIVE YEARS. (IF NONE, SO STATE) LIST PRESENT EMPLOYMENT FIRST

FULL NAME AND ADDRESS OF EMPLOYER	OCCUPATION (SPECIFY)	FROM MONTH	FROM YEAR	TO MONTH	TO YEAR
[redacted]	Cooking	12	2000	PRESENT TIME	

Show below last occupation abroad if not shown above. (Include all information requested above.)

EXIST IN BOSNIA.

THIS FORM IS SUBMITTED IN CONNECTION WITH APPLICATION FOR:
☐ NATURALIZATION ☐ OTHER (SPECIFY):
☒ STATUS AS PERMANENT RESIDENT

SIGNATURE OF APPLICANT: x Divna Maslenjak DATE: 06-24-02

Are all copies legible? ☒ Yes

Divna Maslenjak

FORGERIES BEYOND PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

APPLICANT: BE SURE TO PUT YOUR NAME AND ALIEN REGISTRATION NUMBER IN THE BOX OUTLINED BY HEAVY BORDER BELOW.

COMPLETE THIS BOX (Family name)	(Given name)	(Middle name)	(Alien registration number)
MASLENJAK	DIVNA		[redacted]

GOVERNMENT EXHIBIT 35 1:13CR126

Gov Ex 35-1

75

U.S. Department of Justice
Immigration and Naturalization Service

OMB No. 1115-0066

BIOGRAPHIC INFORMATION

Family name	First name	Middle name	SEX	DATE OF BIRTH (Mo. Day Yr.)	NATIONALITY	FILE NUMBER
MASLENJAK	RATKO		☒ MALE ☐ FEMALE	[redacted]	serbian	[redacted]

ALL OTHER NAMES USED (Including names by previous marriages)	CITY AND COUNTRY OF BIRTH	SOCIAL SECURITY NO.
None	ZENICA - BOSNIA	[redacted]

	FAMILY NAME	FIRST NAME	DATE, CITY AND COUNTRY OF BIRTH (If known)	CITY AND COUNTRY OF RESIDENCE
FATHER	MASLENJAK	RANKO	1933 ZENICA-BOSNIA	[redacted]
MOTHER (Maiden name)	JANKOVIC	MILENA	1941 ZENICA-BOSNIA	Deceased

HUSBAND OR WIFE (If none, so state)	FIRST NAME	BIRTHDATE	BIRTHPLACE	CITY AND COUNTRY OF BIRTH	DATE OF MARRIAGE	PLACE OF MARRIAGE
MIJATOVIC	DIVNA	[redacted]	[redacted]	ZENICA - BOSNIA	[redacted]	ZENICA

FORMER HUSBAND OR WIFE (If none, so state) FAMILY NAME (For wife, give maiden name)	FIRST NAME	BIRTHDATE	DATE & PLACE OF MARRIAGE	DATE AND PLACE OF TERMINATION OF MARRIAGE
None				

APPLICANT'S RESIDENCE LAST FIVE YEARS. LIST PRESENT ADDRESS FIRST.

STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	FROM MONTH	FROM YEAR	TO MONTH	TO YEAR
NJEGOŠEVA 27	JAGODINA	SRBIJA	YUGOSLAVIA	09	2002	PRESENT TIME	
[redacted]	[redacted]	[redacted]	[redacted]				

APPLICANT'S LAST ADDRESS OUTSIDE THE UNITED STATES OF MORE THAN ONE YEAR

STREET AND NUMBER	CITY	PROVINCE OR STATE	COUNTRY	FROM MONTH	FROM YEAR	TO MONTH	TO YEAR
NJEGOŠEVA 27	JAGODINA	SERBIA	YUGOSLAVIA		92		02

APPLICANT'S EMPLOYMENT LAST FIVE YEARS. (IF NONE, SO STATE) LIST PRESENT EMPLOYMENT FIRST

FULL NAME AND ADDRESS OF EMPLOYER	OCCUPATION (SPECIFY)	FROM MONTH	FROM YEAR	TO MONTH	TO YEAR
[redacted]	MASHINIST	10	00	PRESENT TIME	

Show below last occupation abroad if not shown above. (Include all information requested above.)

Ejection in Bosnia

THIS FORM IS SUBMITTED IN CONNECTION WITH APPLICANT'S REQUEST FOR:

☐ NATURALIZATION ☐ OTHER (SPECIFY):
☒ STATUS AS PERMANENT RESIDENT

SIGNATURE OF APPLICANT: x Ratko Maslenjak — DATE: 06-24-03

Are all copies legible? ☒ Yes

x Ratko Maslenjak

PENALTIES SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

APPLICANT: BE SURE TO PUT YOUR NAME AND ALIEN REGISTRATION NUMBER IN THE BOX OUTLINED BY HEAVY BORDER BELOW.

COMPLETE THIS BLOCK (Family name)	(Given name)	(Middle name)	(Alien registration number)
MASLENJAK	RATKO		[redacted]

GOVERNMENT EXHIBIT
36
1:13CR126

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

DIVNA MASLENJAK,
Defendant.

Case No. 1:13-cr-126
Youngstown, Ohio
Tuesday, April 16, 2014
9:06 a.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE
BENITA Y. PEARSON
UNITED STATES DISTRICT JUDGE

JURY TRIAL
* * *

[DIRECT EXAMINATION OF KARYN ZARLENGA (CONTINUED)]

Are you familiar with the requirements for becoming a naturalized citizen?

A. Yes, I am.

Q. Could you tell the court and the jury what those requirements are?

A. You have to be eligible to apply for naturalization, and you file a form for that. Some of the eligibility requirements are that you have to be at

least 18 years of age. You have to have been lawfully admitted to permanent residency. That means having adjustment of status or having that green card.

You have to be a permanent resident for at least five years prior to filing. You have to have lived continuously and been physically present in the United States for at least half of what we call a statutory period, and that's the five years preceding your filing of the application.

So you need to have lived at least 30 months out of that five years in the United States. And also have been continuously present, which means you can't have an absence of more than six months to a year. If you're gone for more than a year, you automatically have to wait four years and a day upon your return.

And one of the last requirements is that you also have to be a person of good moral character during not only the statutory period, but your entire life here in the United States, and even outside the United States.

Q. And the statutory period you refer to is how long?

A. It's the five-year period preceding the filing of the application.

Q. And are there any requirements regarding language, understanding the English language?

A. You do have to pass a test. It's an English literacy test. We give a writing test. You have to write a sentence in English. You have to read a sentence in English. And then we give you ten civics questions, and you have to get at least six of ten of those questions correct.

There is a way that you can get an exemption. You are automatically exempt from the English language requirement if you have been a permanent resident for at least 15 or 20 years and are 50 or 55 years of age, or if you have a medical disability that would prevent you from learning the English language.

Q. All right. Is there any requirement to swear allegiance or have some attachment to our Constitution?

A. Yes, there is.

Q. And what is that requirement?

A. It's an attachment to the Constitution and the laws of the United States of America. And essentially, that means that you need to abide by our laws, you know, file taxes. If you're a man and you're required to register for selective service, that's a requirement. Anything about abiding by laws of the United States.

Q. Are these requirements set out in the Immigration and Nationality Act and the regulations that are promulgated pursuant to that act?

A. Yes.

Q. Specifically with regard to good moral character, you've used that term a couple of times. What does that mean?

A. Good moral character can be a lot of different things. Essentially, it is, you know, not having — committing any crimes. There is certain criminal activity that would — that's going to preclude you from ever becoming naturalized, and that would be if you are ever convicted of murder or if you're convicted of an aggravated felony.

And an aggravated felony is a crime in which you've served at least a year in prison. If you did either of those two things, you would never be allowed to become a naturalized citizen.

Then there's other minor offenses that we would look at for good moral character. It could be failing to file your taxes. It could be a DUI conviction where you — you know, there may have been some property involvement or potentially hitting somebody or damaging another car or vehicle.

And then it could also be lying under oath to an immigration officer or lying to obtain an immigration benefit.

Q. Now, with regards specifically to lying under oath to an immigration officer or obtaining an immigration benefit, do you look beyond the statutory period?

A. Yes.

Q. And why is that?

A. Again, it goes towards good moral character. You know, the statutory period is one element that we're looking at when you're applying for naturalization. However, the law provides that we are allowed to look outside the statutory period as well. We want to make sure that you are eligible for all benefits along the way on your pathway to citizenship, so to speak.

Q. Can a fraudulently procured earlier benefit or application for an immigration benefit affect your agency's determination on the applicant's good moral character?

A. Yes.

* * *

Q. Why do you add those extra layers or steps before a person can naturalize, as compared to obtaining other benefits, such as lawful permanent resident?

A. As I mentioned yesterday, you know, naturalization is probably one of the biggest benefits the government can give to an individual; and, of course, we want to make sure that the person is, in fact, thoroughly qualified and eligible for the naturalization benefit, because it is more difficult to take it away in the event that we would find out at a later time that the person was not eligible.

Q. In this circumstance, did Divna Maslenjak naturalize to a United States citizen?

A. Yes, she did.

Q. And, again, I'd asked you could you identify the document. I would like to show you what's been marked as Government's Exhibit 38.

And can you identify what document this is?

A. Yes. This is her N-400 Application for Naturalization.

Q. All right. And can you tell us, when did she submit the application? Is there a place on there that it would indicate that?

A. Yes.

THE COURT: For the record — pardon me for interrupting.

MR. TRIPI: I am sorry.

THE COURT: This has already been shown to the jury; am I correct on that?

MR. HOLLINGSWORTH: I don't believe so, Your Honor.

THE COURT: Do you intend to ask —

MR. TRIPI: I'm not sure, Your Honor, but we would like to publish it at this time.

THE COURT: Let me ask Mr. Cahoon your position, sir.

MR. CAHOON: No objection, Your Honor.

THE COURT: Thank you, sir.

It's being published, Jury.

MR. TRIPI: Thank you, Your Honor.

THE COURT: You're welcome.

BY MR. TRIPI:

Q. Would the applicant be required to date the document?

A. Yes. When they submit the form, there is, again, a certification that they're certifying all the information is true and correct, and they sign and date it before they file the application.

Q. All right. And first, let's get to when it was actually received by your office. Is that on the first page underneath the bar code?

A. Correct. It looks like January 12th, 2007.

Q. All right. And on the last page, which would be Government Exhibit 38-10, did she sign the document?

A. Yes, she did. She signed it prior to filing it, which was on December 20th, 2006.

Q. And that's just based upon her own dating of the document; is that correct?

A. Correct.

Q. Can you tell me, is that just a signature to this ten-page application, or is there a requirement to certify its accuracy?

A. There's a requirement to certify it. It specifically says, "I certify under penalty of perjury that this application and the evidence submitted are all true and correct."

Q. And does that — strike that.

She did sign the document; is that correct?

A. Yes, she did.

Q. Why does the — why does the USCIS impose that duty on an applicant, if you know?

A. Well, as I mentioned, we do have the background checks that we do; however, the background checks are only as good as the information of the agency that's putting in information. So it's very important that somebody, when completing any application for immigration benefits, be as truthful and forthright as possible, so that we can ensure that they are, in fact, eligible for the benefit that they're seeking.

Q. Was Divna Maslenjak interviewed?

A. Yes, she was.

Q. By whom?

A. She was interviewed by Officer Guevara, Jackie Guevara.

Q. And is that indicated on this tenth page of the application?

A. Yes, it is.

Q. Is that in Part 13?

A. Yes, it is.

Q. All right. And when was she interviewed, if you can tell?

A. She was interviewed on July 20th of 2007.

Q. Was Mrs. Maslenjak required to again sign the document after the interview?

A. Yes.

Q. And did this again contain a certification?

A. Yes, it does.

Q. Now, you indicated earlier that the ordinary process is she would have been placed under oath by the adjudicator?

A. Yes, that is correct.

Q. So all of her statements during the interview would have been under oath?

A. Correct.

Q. And does that apply to — strike that.

The process for making changes or noting any changes would be conducted how on the paperwork?

A. During the interview, and I think I mentioned this as well yesterday, we're required to make any kind of annotations or changes in red pen, so that we know that the officer themselves made those corrections.

You'll see on the N-400 application, any questions that the officer asks are going to be tick marked in red. And, again, that indicates that the officer did, in fact, ask that question.

And if there were any changes, the officer would make — you know, make that change, perhaps it's a

name change or a "yes" to a "no." And then they also have to number that change.

And at the end of the interview, when they have the person sign the application again at the end of the interview, they would indicate that, you know, "You're signing again stating that all the information you gave is true and correct, including any changes or amendments that I made on your application."

Q. All right. And did she, in fact, sign underneath that certification language?

A. Yes, she did.

Q. And what certification language does apply to her in this application?

A. Again, that she is swearing and affirming and certifying under penalty of perjury that all the contents of the Application for Naturalization are true and correct.

Q. I'd like to turn your attention to Part 10, which begins on 38-6 of the N-400 form. Exhibit 38-6.

Can you tell us, what is Part 10 titled?

A. Part 10, it says, "Additional Questions," but really what this is about, it starts going into questions about someone's good moral character.

Q. All right. And, specifically, is there a series of questions at Part D — excuse me, Section D of Part 10, starting at Exhibit 38-8?

A. Again, these are questions about the person's good moral character.

Q. All right. And did she answer all of those questions?

A. Yes, she did.

Q. I'd like you to specifically look at Questions 23 and 24. And could you please read into the record what the information — excuse me; what the question is and what the answer was that she gave?

A. Question 23, "Have you ever given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion or removal?"

And she indicated "No." And, again, you can see by the red check mark that the officer did, in fact, ask the specific question.

Question Number 24, "Have you ever lied to any U.S. government official to gain entry or admission into the United States?"

And again she indicated "No," and it was asked, in fact, by the officer who conducted the interview.

Q. Why are these two questions asked?

A. Again, it goes back to good moral character. It goes towards whether or not this person is eligible for not only naturalization, but also, were they properly admitted or adjusted status properly to that of a permanent resident.

Q. Is it fair to state that fraudulent misrepresentations on earlier applications can affect the naturalization process?

A. Yes.

Q. And are you also indicating to the jury that it can undermine the ability to say that the lawful permanent residence was lawfully acquired?

A. Correct.

* * *

Q. Did there come a time when Divna Maslenjak was called by Ratko Maslenjak as a witness in his hearing on his asylum application?

A. Yes.

Q. Did she make any statements during her cross-examination which were inconsistent with statements she had made to obtain a refugee status?

A. Yes.

Q. And I want to direct your attention to three portions, three portions of the transcript.

* * *

Q. Could you please read both the questions and the answers that were given, and preface your reading by saying "Question" or "Answer" so that we know where it begins and ends?

A. "Question: Okay, so ma'am, when you returned to the Bosnian side, did you go by yourself?"

"Answer: Me and my children."

"Question: Where, where was your husband at the time?"

"Answer: He stayed in Serbia."

"Question: Did there ever come a time in 1993 when he came back to Bosnia?"

"Answer: Yes, he did go back."

Q. Turning your attention two pages later to page 118, lines 5 through 14. Again, was this cross-examination by government counsel at the time?

A. Yes, it was.

Q. And can you please read both the questions and answers — the questions placed to Divna Maslenjak and the answers that she gave?

A. This is part of the question:

"When your husband was returned to Bosnia, what city was he in, if you know?"

"Answer: In Bratunac."

"Question: And how do you know that?"

"Answer: I was in Bratunac also."

"Question: Did you stay together when both of you were in Bratunac?"

"Answer: First, I was alone at my mother's place, but then after he has been returned several times back to the Bosnia side, we lived together."

Q. Finally, did there come a point in the hearing when the judge, the immigration judge directed a series of questions to Divna Maslenjak?

A. Yes.

Q. And turning your attention to page 129, lines 17 through 22. Is this part of that transcript?

A. Yes.

Q. And these are questions that were being posed to her by the immigration judge; is that correct?

A. Correct.

Q. And can you please read the questions of the immigration judge and the answers that were given by Divna Maslenjak?

A. "Question: It wasn't true that he was in Serbia from 1992 to 1997, was it, ma'am?"

"Answer: No."

"Question: Were you aware that he was serving in the Bosnian Serb Army in 1995?"

"Answer: Yes."

Q. As an adjudications officer, were these admissions significant to you?

A. Yes.

Q. Why are they significant?

MR. CAHOON: Objection.

THE COURT: Overruled. You may answer, if you know the answer in your role as an adjudications officer.

THE WITNESS: Right. In my experience with the Republika Srpska events from 1991 to 1995, if you were part of that, there were some war crimes and other atrocities that were committed. And typically a person granted asylum would not have been involved in the Republika Srpska Army.

BY MR. TRIPI:

Q. Would that affect — well, did you also — is there any significance based upon your review of the original refugee application of Ratko Maslenjak and his wife?

A. Right. Upon further review, obviously, membership in the army itself dealt more with her husband. However, in going back and reviewing her file, it was —

MR. CAHOON: Objection.

THE COURT: Overruled.

THE WITNESS: — it was indicated that she failed to disclose certain information regarding her husband's membership in the army, as well as inconsistencies on

that biographical data sheet that we showed where he and she were both living at that time.

BY MR. TRIPI:

Q. Okay. So on his biographical data sheet, it did not indicate that they were living together in Bratunac; is that correct?

A. Correct, correct.

Q. Was his asylum claim eventually denied?

A. Yes, it was.

Q. Based upon your review of the —

MR. TRIPI: If I could have it switched back off of ELMO to the computer mode, Your Honor.

BY MR. TRIPI:

Q. Based upon your review of her original stated basis for refugee status that was provided across the seas, and based upon your review of other immigration documents, does her testimony call into question the accuracy of some of her answers in obtaining other benefits?

A. Yes.

MR. CAHOON: Objection. Move to strike.

THE COURT: Overruled. No, denied.

BY MR. TRIPI:

Q. Specifically with regard to Exhibit 33, can you state an opinion, as a supervisory adjudications officer in the Cleveland office, charged with the duty of processing LPR applications — or, excuse me, reviewing LPR applications and participating in the processing of those applications, can you tell

specifically, with regard to Exhibit 33 — which I would ask it be published to the jury —

THE COURT: It is being published.

MR. TRIPI: Thank you, Your Honor.

BY MR. TRIPI:

Q. — in Question 10, located on Exhibit 33-3, particular reference to the second half of that question after the word "or," in your opinion, would that have required, to be a truthful answer, the answer "yes" rather than "no"?

A. Yes.

Q. With regard to Exhibit 38 —

MR. CAHOON: Objection again, Your Honor. Object; move to strike the answer.

THE COURT: Overruled. Your motion to strike is denied.

BY MR. TRIPI:

Q. And with regard to Exhibit 38, the N-400 application, specifically on 38-8, at the bottom of the page, the two questions, 23 and 24.

In your opinion, based upon your position, your training, your experience and your review of both her file and Ratko Maslenjak's file, including her answers given during his asylum hearing, would the answers that she gave at that hearing have required a different answer to Questions 23 and 24?

A. Yes.

MR. CAHOON: Objection. Move to strike.

THE COURT: Thank you. Your objection is overruled; your motion to strike is denied; and your objections are preserved.

BY MR. TRIPI:

Q. I failed to ask you earlier, but when a witness appears at Immigration Court, are they placed under oath?

A. Yes.

Q. So the answers that she gave at Immigration Court were under an oath, as all these other answers were throughout her documentation?

A. That is correct.

Q. Based upon your experience and knowledge, does it call into question whether she lawfully obtained her LPR status, or lawful permanent residence status?

A. Yes.

Q. Does it — is there a requirement that naturalization be obtained not contrary to law?

A. Yes.

Q. And in your opinion, applying the answers that she gave in Questions 23 and 24, was she under a legal duty to provide truthful answers to that?

A. Yes.

MR. CAHOON: Objection.

THE COURT: Overruled.

THE WITNESS: Yes, she was.

BY MR. TRIPI:

Q. And were the answers that were being sought to those questions, did they affect her ability to naturalize lawfully?

A. Yes.

* * *

[DIRECT EXAMINATION OF JACKIE GUEVARA]

Q. Drawing your attention to Government's Exhibit 38-10, the tenth page of this document.

Is your name and signature on this document?

A. Yes, sir.

Q. And does that refresh your recollection of when you first saw this document?

A. I would have first seen it at interview. I interviewed this applicant for citizenship. And when I would complete — it's our procedure, when we complete the interview, we have to stamp our name and sign the application.

Q. And did you, in fact, sign it on July 20th, 2007?

A. Yes, sir.

Q. When you interview someone, what's your typical process?

A. We call them — we call them back. I introduce myself. I put them under oath. They have to swear the same oath that I swore here today.

We go through the entire application, go over their personal information, go over how they answered the questions on the application, go over their background, through the process, how they came into the United States, their travel, their good moral character, have they ever been arrested, their criminal background, where they live, how many — do they have children, are they married. It's pretty much just a condensed summary of their whole immigration life, basically.

Q. Let me ask you a few questions about that.

Why do you swear the person in?

A. Because we're asking them to tell the truth, and then we're basing our decision to the benefit that we're giving them on the fact that they are telling the truth, because all we really know is what they've given us and what's in the file.

Q. So you have to rely, in large part, on them providing you truthful answers?

A. Yes, sir.

Q. Now, you mentioned that you go through the information that's contained in the N-400. If the information is in there, why do you go through it again?

A. Just to give them another chance to make sure that they've answered everything correctly, that they understand the questions that they've been asked, to give them an opportunity to maybe add something that was not put on their application, clarify something that maybe they didn't understand when they were filling out the application.

Q. Taking a look at the first page of Government's Exhibit 38.

There are some red pen marks, are there not?

A. Yes.

Q. Who put those red pen marks there?

A. I did.

Q. How do you know that?

A. Because it's our policy and procedure that, number one, the adjudications officer always writes in red, so that we can differentiate from what we've put

on the application and what the applicant has put on the application.

And we mark everything that we've gone over and asked the applicant, so that later on down the road, if something — you know, if something comes up, we can know by procedure and what we do every time that, you know, yes, I did ask her her name, I did ask her, you know, if she's ever used a different name. These are questions that we ask every single applicant.

Q. So every time there's a red check mark on this document, it means that in the interview, you asked that follow-up question?

A. Yes, sir.

Q. And received the same answer?

A. Yes.

Q. What —

A. If I didn't — if I didn't receive the same answer, then I would have changed the answer in red and put an initial by it, showing that the answer was changed. And then usually, there would have been some other comments and notes in the file, or notes, actually, a little comment by that question saying, you know, why was it changed.

Q. And, in fact, drawing your attention to page 2 of this document, Part 3, Section E.

Is that your handwriting in red?

A. It is.

Q. And does that indicate that the defendant provided you additional information in the interview that wasn't there on the document?

A. Yes. She left that blank, and I asked her, and she gave the answer, "Bosnia," and I wrote it down in red.

Q. Turning your attention to page 4 of this document.

Is your handwriting in red on this page?

A. Yes, sir.

Q. And what does it say?

A. On the question about how many trips she's taken, that was left blank, and that's something that we have to — that we have to know, because it leads to physical and continuous presence in the United States. Therefore, I asked her how many trips she took. She said, "None." And then I wrote, "Claims none."

So that's an additional check and balance to make sure that if somebody else is — my supervisor is reviewing this application, they know that I asked that question and it was answered.

Q. So when you got the document, it was blank?

A. Yes.

Q. And you went back and you followed up because you wanted to make sure that every question was answered?

A. That she — you know, important — travel is an important part of the application process.

Q. Turning your attention to page 8 of this document.

Is your handwriting on this page?

A. Yes, sir.

Q. And what does it say?

A. In the part about additional questions about, "Have you ever been arrested," we ask, "Have you ever had any DUIs, driving under the influence of drugs or alcohol," and she claimed no, so, therefore, I wrote it down.

Q. And, again, that question was blank —

A. Yes.

Q. — and you filled it in to make sure that every question was answered?

A. Yes, sir.

Q. What is the heading for this subsection D on page 8?

A. The heading? Oh, "Good Moral Character."

Q. What role does an applicant's good moral character play in their application to become a U.S. citizen?

A. It is one of the most important roles. You know, we rely on that heavily, that they have good moral character to be a citizen of the United States.

Q. And what's your role, as an adjudications officer, in determining their moral character?

A. To make sure that there isn't any deviation from that, that they don't have anything that would make them ineligible to become a U.S. citizen.

Q. And looking at the right-hand section of this page, is it accurate to say that there is a red check mark by the questions in Section D?

A. Yes.

Q. And then drawing your attention specifically to Questions 23 and 24.

Are there red check marks by the answers to those questions?

A. Yes, sir.

Q. And what does that mean?

A. That means that I asked the question, and she answered it "no" in both cases.

Q. Turning to Question 23, which says, "Have you ever given false or misleading information to any U.S. government official while applying for any immigration benefit," did you ask that question to the defendant during this interview?

A. Yes, sir.

Q. And what was her answer?

A. Her answer was "No."

Q. And Question 24, "Have you ever lied to any U.S. government official to gain entry or admission into the United States," did you ask that question to the defendant in the interview?

A. Yes, sir.

Q. And what was her answer?

A. "No."

* * *

Q. Turning your attention back to Government's Exhibit 38-8.

Based on your training and experience, if during the interview she changed her answers to Questions 23 and 24, how would that have affected the interview and the application adjudication?

MR. CAHOON: Objection.

THE COURT: Overruled. You may answer.

THE WITNESS: Thank you.

Well, definitely there would have been further questioning. We probably would have done a sworn statement at that time. It would have been sent for a further review by our supervisors to decide whether she was actually eligible for citizenship, because that would question her eligibility if she had lied to an immigration officer or to any government official before.

BY MR. HOLLINGSWORTH:

Q. So if she had checked "yes" to either 23 or 24, would you have been authorized to grant her application for citizenship?

A. No, sir, not at that time.

* * *

[DIRECT EXAMINATION OF THOMAS GUASTINI]

Q. Why were you investigating the defendant?

A. It was brought to my attention that the defendant —

MR. CAHOON: Objection.

THE COURT: Overruled. He can testify to what he has personal knowledge of.

THE WITNESS: My investigation began when I was — when I was informed that the defendant gave testimony at an asylum hearing for her husband.

BY MR. HOLLINGSWORTH:

Q. What was it about that testimony that interested you?

A. She made statements to that — in that hearing that were contrary to what she initially put on her

refugee applications when she attempted to make entry into the United States.

Q. I'm going to draw your attention to statements that were earlier introduced into evidence on the overhead.

MR. HOLLINGSWORTH: And if we could have the ELMO, please.

BY MR. HOLLINGSWORTH:

Q. Are these the statements that you just testified about?

A. It's not on my screen at the moment.

THE COURT: Oh, sorry.

THE WITNESS: That's all right.

THE COURT: It should be on your screen, and also the jury now.

THE WITNESS: I do have it. Thank you.

I'm sorry, what was the question again?

BY MR. HOLLINGSWORTH:

Q. Taking them one at a time.

A. All right.

Q. Was this one of the statements that caused you to investigate the defendant?

A. Yes.

Q. What is it about this statement?

A. Well —

MR. CAHOON: Your Honor, I am going to make a continuing objection.

THE COURT: Your objection is noted.

And I remark for the record, this is a portion of Government's Exhibit 45, isn't it?

MR. HOLLINGSWORTH: Thank you, Your Honor. It is.

THE COURT: And your continuing objection to the use of what I believe are going to be the same three parts used earlier is preserved and overruled.

MR. CAHOON: Thank you, Your Honor.

MR. HOLLINGSWORTH: Thank you, Your Honor.

BY MR. HOLLINGSWORTH:

Q. Specifically, with respect to the testimony on page 16 of Government's Exhibit 45, that's on the ELMO, what was it about this statement that caused you to investigate the defendant?

A. On her application, she stated that her husband was living in Serbia while she was living in Bratunac, that they were not together. And according to this statement, it appeared as though that he was living with her in Bratunac.

Q. And turning your attention to page 14 of Government's Exhibit 45. What was it about this statement of the defendant that caused you to investigate her?

A. Same thing. She — again, she mentioned that they were separated from '92 through '97, he was living in Serbia and she was living in Bratunac, and here it says that he did come back to Bosnia in '93.

Q. Same question for page 27 of Government's Exhibit 45.

A. Yeah. She — she claimed that her husband was not in the military. As a matter of fact, she actually

made the statement that one reason they could not go back to Bosnia was because he did not serve in the military.

And here in the statement, the sworn statement that she gave to the court, she does admit that he did serve in the Bosnian Serb Army.

Q. What steps did you take during your investigation into the defendant's activities?

A. In regard to just the defendant?

Q. After learning of these admissions in the asylum hearing, what steps did you take?

A. Well, I got her A file and I looked at the A file just to — just to match everything up. And —

Q. What conclusions did you draw after having reviewed her A file?

A. Oh, she made false —

MR. CAHOON: Objection.

THE WITNESS: She made false statements.

THE COURT: Overruled.

THE WITNESS: Excuse me. The conclusions I made, that the statements that she made in the refugee application, that whole refugee process, 485 and on, that those were false statements.

BY MR. HOLLINGSWORTH:

Q. Other than her A file, did you review any other documents that helped support that conclusion, other than her A file?

A. Oh, I looked at her husband's A file.

Q. Anything else?

A. And I looked at the military documents. Pretty much, I had — I had — previously, I had conducted an investigation administratively for her husband, so I had quite an extended knowledge, background, regarding all the documents that he had provided. And so I, obviously, compared and contrasted.

Q. So you had familiarity with the facts, documents and circumstances?

A. Yes.

Q. And, in fact, were you a part of the initiation of the deportation proceedings of the defendant's husband?

A. Yes.

Q. When did those deportation proceedings commence?

A. I filed a notice to appear on, I believe it was December 13th, 2006.

Q. And did the defendant take any action after you filed that notice to appear?

A. Yes. One week later she filed an N-400 to become naturalized.

Q. Was there any significance in that sequence of events, in that timing?

MR. CAHOON: Objection.

THE COURT: You may answer if you believe there was a significance.

THE WITNESS: Yes. There's a huge significance.

BY MR. HOLLINGSWORTH:

Q. And what is that?

A. That when he was put in removal proceedings on December 13th, 2006, that got her — what she had to do was become naturalized. As things were going forward —

THE COURT: Well, what you should tell us is the significance to you, not to the defendant.

THE WITNESS: Oh, the significance to me? There was one more —

THE COURT: Well, in your official role.

THE WITNESS: In my official role as —

THE COURT: Yes.

THE WITNESS: Okay. The significance for me was that there was more documents that she was filing with the U.S. Government making false claims.

BY MR. HOLLINGSWORTH:

Q. And could she have, in fact, have filed an N-400 upwards of a year earlier?

A. Yes, yeah.

Q. Did the defendant file any other documents with the United States Government after you initiated the deportation proceedings?

A. Yes, she did. She was granted citizenship here in the United States. Then she filed an I-130 on behalf of her husband.

Q. And just briefly, again, what is an I-130?

A. It's a form that is filed to grant legal permanent status to a family member.

Q. And in this context, did the defendant need to be a naturalized U.S. citizen to file that I-130?

A. Yes.

Q. And did she, in fact, attach a copy of her Certificate of Naturalized Citizenship with that I-130?

A. She did.

* * *

Then, Mr. Cahoon, back to you. Do you have another motion for the court?

MR. CAHOON: I do, Your Honor. I would respectfully renew the Rule 29 motion, which I'd previously made a motion for acquittal asking the court, again, under the appropriate standard of Rule 29, to consider all the evidence and grant that motion.

Thank you, Your Honor.

THE COURT: You're welcome.

Any response from the government?

MR. HOLLINGSWORTH: I will, Your Honor. I would submit that based on all the evidence that the court has heard up to this point, the documents, the witnesses, the testimony, that there is sufficient evidence for a reasonable trier of fact to convict on the evidence put forward.

Specifically, the juxtaposition between the statements of the defendant at the time of the refugee status, and the military documents, in conjunction with the immigration documents that were filed after the fact, the stories just don't match, Your Honor.

The basis for her refugee application was that she feared returning because her husband didn't serve, and the evidence, viewed in the light most favorable to the government, shows that he did serve, from 1992 to 1995, that he was in the Bratunac Brigade, and that the basis for the refugee claim as the principal applicant is inconsistent with those documents.

So for those reasons, Your Honor, we think that the evidence supports a conviction for Count 1.

And as to Count 2, the unlawful use of an unlawfully procured naturalized citizenship, we feel like the evidence is sufficient to sustain a conviction on that count as well, because the evidence shows that the defendant, in fact, used her naturalized citizenship to file that I-130 to try to prevent the deportation of her husband.

THE COURT: Mr. Cahoon, would you like the last word?

MR. CAHOON: No, Your Honor. I know the court has heard the evidence, and I know the court will fairly consider it.

Thank you very much, Your Honor.

THE COURT: You're welcome, sir.

I have heard the evidence, and I have considered it, and I have continued to consider it through the defense case. And, again, observing the Rule 29 prohibitions against assessing the credibility of witnesses, weighing the evidence or drawing inferences from fact — of fact from the evidence, I simply decide whether the evidence viewed in the light most favorable of the government was sufficient for any rational trier of fact to find guilt beyond a reasonable doubt as to each count, and I do find that that evidence has been presented as to Count 1 and as to Count 2.

I deny the Rule 29 motion without prejudice, Mr. Cahoon, to it being raised again before this matter is entirely concluded.

Counsel, what I'd like to do now is give you a draft of the jury charge. It's very nearly done. I reviewed it

quickly before coming out, and there were just a couple of areas that I asked my law clerk to improve.

The verdict forms are something that I'd like you to weigh in on. I didn't ask, it's something I intend to change in my order, to ask along with the proposed instructions, for jury — for verdict forms.

This one can either be very long or very short. What you will see is one that pretty much tracks the indictment. And if you care to have it shortened in some way, you can tell me about that.

Of course, I've appropriately made the change regarding Count 1. I think it's appropriate you charge in the conjunctive, and usually instruct in the disjunctive. So I have changed the "and" between Question 23 and 24 to an "or." Because it's my belief that the conviction falls if either question was answered falsely.

I believe that the verdict form for Count 2 is only necessary if there is a guilty on Count 1. And you'll have an opportunity to see how the verdict forms read and to talk to me about that.

So if you will give me a few minutes to take another look at what's been drafted, and then I will provide that draft to you.

It's not very lengthy. In fact, the regular information probably takes up about as much space as the substantive part.

But what I'd like to do before we separate today is to go through it with you so that I have an understanding as to what you agree with, what you object to. I can make the final modifications.

Of course, we don't need the jury for any of that. And my question to you now is, is there any reason for me to keep the jury in the courthouse for the balance of the afternoon?

* * *

MR. TRIPI: Thank you, Your Honor. Your Honor, although we fully acknowledge that we submitted jointly proposed jury instructions, defense counsel and us met earlier in one of the witness rooms, and we were going through, and we believe that we discovered an errant way that we approached Count 1 of the indictment; and as such, we believe that there is going to need to be a somewhat major rewrite of, you know, our proposal at least, how Count 1 was handled, and it's not consistent with other naturalization frauds that we've done in the past.

To boil it down to its essence, the way it indicates that the elements are would be somewhat more similar to a simple making false statement claim, and it kind of misses the meaning of what it means to be contrary to law, and a false statement is one way to prove that.

So what we've done in the past — and I could, you know, in the alternative, I think Mr. Cahoon has agreed that we can all retire to the U.S. Attorney's Office down the street and we can try to draft something up to send to your law clerk for consideration overnight, or I could send a past set of jury instructions that went into the further explanation.

In the past, Your Honor, the elements were worded slightly differently, and we still got to the same point about making false statements, but we advised the jury of a statute, specifically Title 18, Section 1015,

which went to making false statements in the naturalization process.

Secondly, Your Honor, the reference in our past instructions has been to 1001. However, based on a recent Supreme Court opinion, our office has recommended staying away from 1001, if we can. I wouldn't recommend including that.

The other thing we had in there was a definition of "good moral character." Trial Attorney Gutridge also pointed out that there is a statute that specifically refers to the legal basis — bases required to obtain naturalization, which is Title 8, Section 1427 of the United States Code.

And some of that language has no application here, such as whether there was continuous residence between the application to the admission to citizenship.

But the first subsection of that refers to "continuous residence after lawful admission." So there's a reference to "lawful admission."

In the third subparagraph, or the third section of that, it talks about "during all periods of time, has the individual been a person of good moral character." And then we further defined in the past what "good moral character" is.

So I believe the recommendation — and this is without Mr. Cahoon having had an opportunity to look at this specifically. We think it should be worded slightly differently as far as how this should be presented to the jury, and there should be some reference to other statutes that control so the jury can be — actually make a determination, did she obtain her naturalization contrary to law, rather than just

assuming forward that all we're looking at is whether or not there were false statements that could be considered contrary to law.

* * *

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION
UNITED STATES OF AMERICA,
Plaintiff,
v.
DIVNA MASLENJAK,
Defendant.
Case No. 1:13-cr-126
Youngstown, Ohio
Tuesday, April 17, 2014
8:21 a.m.
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE
BENITA Y. PEARSON
UNITED STATES DISTRICT JUDGE
JURY TRIAL

* * *

[CLOSING ARGUMENTS]

MR. HOLLINGSWORTH: Thank you, Your Honor.

Good morning. Ladies and gentlemen, on behalf of my co-counsel, Phil Tripi, I'd like to thank the court, the staff of the court, Mr. Cahoon, and most importantly, you, the members of the jury, for your time and for your attention over the last few days.

You will remember that I stood before you a few days ago and promised you that the evidence would show that the defendant and her claim to United States citizenship was built on a foundation of lies.

And you have learned a lot over the course of the last couple of days. You have learned a fair amount about the policies and the procedures and the documents involved in the U.S. immigration system.

You have heard from Todd Gardner and Karyn Zarlenga, U.S. immigration officials, who walked you through the various stages in the pathway to citizenship. And you learned that it all starts with being lawfully present in the United States. That's the foundation, and it all builds from there, to the pinnacle of immigration benefits that our country can bestow on an immigrant, that being the right to call yourself a United States citizen.

I also promised you that the evidence would show that that foundation of her claim to United States citizenship crumbled. It crumbled when she admitted under oath that her story about her basis for being a refugee wasn't true, that it was built on a foundation of lies.

What was defendant's claim to be a refugee? You saw her application for refugee status. You saw the IOM form, defendant's story. And what was that story?

We learned that the defendant's story was that she was in Bratunac beginning in 1992, and that her husband was in Serbia, in a different country, and that they were separated for five years because her husband dare not go back to Bosnia; otherwise, he would be forced to serve in the military. That was her story. That was her claim for refugee status. That was her claim in her request to the United States Government to provide her protection.

And that foundation crumbled when she admitted under oath: "Question: It wasn't true that he was in Serbia from '92 to '97, was it, ma'am?"

"Answer: No."

"Question: Were you aware that he was serving in the Bosnian Serb Army in 1995?"

"Answer: Yes."

Count 1 is all about her application for citizenship, her request to be granted all the rights, privileges, benefits and responsibilities of citizenship. And it all comes down to Questions 23 and 24 on the N-400:

"Have you ever given false or misleading information to any U.S. government official while applying for any immigration benefit?"

Her answer was "No." That was her answer on the form. And as you see by the red check mark, that was the answer she confirmed during the interview under oath with Jackie Guevara.

Question 24: "Have you ever lied to any U.S. government official to gain entry or admission into the United States?"

Her answer was "No." And, again, the question and answer were confirmed in the interview under oath with Jackie Guevara.

I told you that the government embraces its burden of proof. It's how our system works and it's how we ensure a right and just result.

The government has the burden of proof beyond a reasonable doubt that the defendant committed naturalization fraud, Count 1; and Count 2, that she used that unlawfully procured certificate of naturalization for any purpose.

So what did we learn from the evidence?

We learned that the defendant told the U.S. Government one story, that she was separated from her husband by a war zone, by countries, for five years.

We learned that they had to live apart for him to avoid being forced into military service.

And we learned that her claim to being a refugee was tied directly to the fact that her husband did not serve. She told the United States Government, "Help me. Protect me. I cannot go back to my home because my husband didn't serve. We would be persecuted by our former fellow countrymen because of his lack of service."

That was her claim to refugee status. That was her request to the United States Government to open up its arms and welcome her in and protect her.

And where was that evidence in the case? We saw it in the I-590 attachment, January 1998. We saw it. She certified that it was true when she signed that I-590. And we saw that she certified it again in the interview in April, months later, the same story.

You heard from Monica Rahmeyer. In April of 1998, she was in Serbia. She was interviewing families who were asking for the same thing, asking for the United States Government to open up its arms and protect them.

You heard from Monica Rahmeyer. She testified about the interview. She had notes, contemporaneous notes of the interview of what the defendant said.

Her testimony was that the defendant told the same story she told on paper in the application, the same story.

We heard that that interview was under oath. We heard that it was with a translator who spoke perfect English.

And we heard that Monica Rahmeyer has to rely on the honesty of the person sitting across from her. Monica Rahmeyer didn't have a treasure trove of military documents that she could go back to in 1998 to confirm or deny whether what the person across from her was telling her, whether it was true or not.

You heard Monica's testimony. She was over there to process these refugee applications, and sometimes she saw upwards of ten family units a day. She had to trust that the person was telling her the truth.

That's why the steps and policies and procedures were in place. That they put the person under oath, that they took notes, that they confirmed that the story that they received in the application matched up with the story that they got during the interview. It all came down to the honesty of the person sitting on the other side of the table. That was in April and January of 1998.

And, ladies and gentlemen, you saw during the course of the presentation of the evidence that the story was the same. Every time the United States Government asked about information about military service and about the location of the defendant and her husband before she applied for refugee status, it was the same every time.

And the refugee application in 1998 says that the defendant was forced to flee from Bosnia in 1997, but that her husband was forced to flee from Bosnia in 1992, consistent with the story in the notes, in the application, consistent with the story in the interview. That was in 1998.

She also submitted a biographical information sheet with that application, and it was the same story. The

defendant was in Bratunac from '92 to '97, but her husband was in Jagodina, Serbia, from 1992 to 1997, the same story.

The biographical information sheet from 2002, when they applied for lawful permanent resident status, same story. The defendant was in Bratunac from '92 to '97, but her husband was in Jagodina, Serbia, from '92 on, same story.

And the story was consistent when it came to military service. The defendant's husband was asked twice in his immigration documents to disclose all military service. And the answers that he gave were consistent with her story in 1998.

The only military service that was ever mentioned was the mandatory two-year service that every man of that particular generation had to go through when Yugoslavia was a united country. It wasn't surprising that it was on the document. It didn't raise any red flags.

But what do you — but what's not here, ladies and gentlemen? There's no mention of military service in the VRS in 1998. There's no mention of military service in the VRS in 2002. You see the blank lines underneath "Yugoslavian Army."

And, ladies and gentlemen, you've learned that in the immigration world, every time you submit something to the United States Government, it is under oath. Every signature, every interview, it is under oath.

And you learn the reason for that, because the people doing these jobs, working on behalf of the United States Government, have to be able to rely on the information that they receive from the applicant.

The immigrant is asking for a benefit, and we have to be able to trust them that the information that they provide is honest.

So the defendant swore that the things she submitted in 1998 were true. In 1998, she swore that she'd never been involved in assisting any other person entering the United States in violation of law, and that she's never procured or attempted to procure a visa by fraud or misrepresentation. Again, under oath, 1998.

In 2002, she swore to the United States Government that she never, by fraud or misrepresentation, ever sought to procure a visa or other document or entry into the United States. And, again, she swore that she had never done that, 2002.

In 2006, the N-400, the naturalization application, that's the heart of Count 1, she swore, in 2006, under penalty of perjury, that the application and everything in it is true and correct, including her answers to 23 and 24.

And then she swore again in 2007 when she had the interview.

And again in 2009, she certified under penalty of perjury that the foregoing is a true and correct document.

Every time she submitted something to the United States Government, she said it was true. But, ladies and gentlemen, it wasn't true, and you saw that. How do you know that?

We heard from Rick Butler. He walked you through his experience executing a search warrant at the headquarters of the Army of the Republika Srpska after the war was completed and while there was an

investigation about that army's activities in the war. So we've got the military records.

We also have the defendant's own words. You heard Karyn Zarlenga read the transcript of her sworn testimony under oath when she finally admitted that her story about being a refugee and the basis for that wasn't true.

We saw a bunch of military documents. I'm not going to belabor the point. We saw rosters. We saw monthly attendance. We saw documents providing promotions, we saw documents issuing uniforms, equipment, code names, telephones, and we saw the certifications that those documents were true and correct from the ICTY.

This document in particular is enlightening. It's on a specific day. A specific military commander of the Drina Corps, who was performing his usual rounds of an officer training, saw the defendant's husband, saw that his uniform was not up to standard, and ordered that he get a new one.

Ladies and gentlemen, these documents are not just lists of names in random documents. He was there, he was in the military the whole time, and the story that the defendant told wasn't true.

There was the list of the telephone numbers; there was the promotion; the issuance of the Motorola; the enrollment date.

And, ladies and gentlemen, I would ask you to pay particular importance to line 42. The date of the enrollment in the Army of the Republika Srpska for the defendant's husband was August of '92, the very same month and year that defendant claimed he had to

flee to another country, never to return, to avoid military service.

We also know that her story about being a refugee wasn't true because of her own words.

"Question: Did there ever come a time in 1993 when he came back to Bosnia?"

She had earlier told us that he fled in '92 and never came back.

Her answer on that day was, "Yes, he did come back."

"When your husband was returned back to Bosnia, what city was he in, if you know?"

Her answer was, "He was in Bratunac," the same city she was living in.

And, in fact, the follow-up question was, "How do you know that? How do you know he was in Bratunac?"

And she finally admitted, "I was in Bratunac also."

"Did you stay together when both of you were in Bratunac?"

"Answer: First I was alone at my mother's place, but then after he was returned several times back to the Bosnian side, we lived together."

That's completely inconsistent with the story that she told about the basis of her refugee status; completely inconsistent.

And finally, you have seen it before, but it bears showing again. "Question: It wasn't true that he was in Serbia from '92 to '97, was it, ma'am?"

Asked directly under oath, her answer was: "No, it wasn't true."

"Question: Were you aware that he was serving in the Bosnian Serb Army in 1995?"

Under oath, directly questioned, her answer:

"Yes, I was aware."

So, ladies and gentlemen, I submit to you, the answers to Questions 23 and 24 on the N-400 application for United States citizenship, under the subheading "Good Moral Character," these answers are false. They were false when they were put on paper. They were false when she repeated them in the interview under oath.

Because, in fact, the defendant had given false or misleading information to a U.S. government official while applying for an immigration benefit. That benefit was her refugee status, the foundation for her ability to be in the United States and for her application for citizenship.

Question 24, she had lied to United States government officials to gain entry into the United States. Her refugee application, it was a lie.

Ladies and gentlemen, the evidence also showed that the defendant used her certificate of naturalization after she got it improperly. And how did she use it? You saw evidence that she filed an I-130, application for Petition for an Alien Relative.

First she got her naturalization, and then she used it to try to prevent the deportation of her husband. The court instructed you that a violation of this statute would rest on any use of a naturalized citizenship. And this was the particular use that she put her citizenship to.

Ladies and gentlemen, you heard testimony from Karyn Zarlenga that citizenship, the ability to call yourself a United States citizen, and everything that goes with it, is the most important and most valuable benefit our government confers on people who weren't born here.

It's not a right. You can stay a lawful permanent resident your whole life. Becoming a citizen is different. It's special. And we require that people who ask to become citizens earn it. The right isn't given away. You have to earn it. You have to follow the rules and you have to tell the truth.

Ladies and gentlemen of the jury, I stand here before you right now, and I submit to you that after you've considered everything that you've heard, after you look at all the documents, after you discuss all the testimony you've heard, you will return a verdict of guilty on both Count 1 and Count 2.

Thank you for your time and for your attention.

THE COURT: Thank you, Mr. Hollingsworth.

On behalf of the defense?

MR. CAHOON: Your Honor, Counsel, Ms. Maslenjak, ladies and gentlemen of the jury.

First, ladies and gentlemen of the jury, on behalf of Ms. Maslenjak, I would like to thank you for your time hearing this case for, this is now the fourth day. You have heard a lot of information, a lot of testimony. You've paid attention. There's a lot to digest here.

Everyone has a job. As the court indicated to you earlier in this case, your job is an extremely important one, to be coequal with the judge and decide what happens here.

Ladies and gentlemen, this is the last time I will have an opportunity to speak with all of you. The judge mentioned this right near the beginning of the case, but the government gets to do opening statement first. They get to sit closest to you in the jury box. After I speak, the government gets to speak last.

And the reason is because the prosecution in a criminal case has the burden of proof. They get to go first and last because of that burden that they have.

I submit to you, on behalf of Ms. Maslenjak, that based on the evidence, the government has not proved this case beyond a reasonable doubt and Ms. Maslenjak is not guilty of these two crimes with which she's charged.

Because I will not have another opportunity to speak with you, no matter what Mr. Hollingsworth says in rebuttal, I will ask, after you hear what I say and you hear the rest of what he has to say, that you use your collective memory, collective reason and common sense, and decide the facts of what occurred or did not occur here.

The court has told you in the instructions that Ms. Maslenjak is presumed innocent unless that presumption is overcome by proof beyond a reasonable doubt. The court has instructed you as to what the elements are of proof beyond a reasonable doubt.

And part of that is, do you have a doubt based on reason and common sense? I submit that there are, based on the evidence, many doubts based on reason and common sense. I'd like to talk to you about the evidence in this case.

Monica Rahmeyer, her interview of Ms. Maslenjak took place in 1998; specifically, on or about April 22nd,

1998. You'll recall what Ms. Rahmeyer testified from the witness stand. She said that she had about a one-month assignment to interview people in her country that wanted to come to the United States. She testified that she interviewed, you'll recall, up to about 50 families a week.

You'll recall the testimony better than I will as far as how long those interviews took. I believe, I submit the evidence was somewhere around 30 or 45 minutes. Use your recollection, not what I tell you.

The families, you'll recall, would come in in their entirety, husband and wife, children, everybody would come into a room with Ms. Rahmeyer.

In the case of Ms. Maslenjak, there was a translator present. There were lots of questions asked. I ask you to use your reason and common sense.

You look at a lady that doesn't speak English, that's terrified, that wants to come to the United States and bring her family in a time of strife in her own country. That's an extremely stressful situation.

So not only is she terrified, sitting in a room with her whole family being interviewed, wanting more than anything to come to the United States, like anybody else in that situation, but she doesn't even speak the same language as the person asking the questions.

She's not filling out anything in her native language. She's not reading anything and signing it and saying, "This is my statement." She's not having anything read back to her, "Is this your statement?"

Instead, what the government is relying on are notes by a person who interviewed her just about 16 years ago, 1998, April of 1998.

The government is wanting you to use your reason and common sense and fully trust notes that somebody took in the situation I have just described 16 years ago.

I submit to you, the reliability of that is extremely in question. I told you in opening statement, there will be issues about reliability.

I talked, as you'll recall, to Ms. Rahmeyer in cross-examination. One of the things I asked her, you'll recall, I asked her from her transcript about her prior statement at a prior hearing.

And she testified, you'll recall, that if she had questions for the husband, she asked them to the husband, Mr. Maslenjak. If she had questions for Divna Maslenjak, she asked Divna.

She said in this case, "If the husband was there, I would definitely interview him separately in the same room. I would ask the questions to him directly and he would answer whatever questions were relevant to him. She would answer whatever questions were relevant to her."

You'll recall that Ms. Rahmeyer said that was her testimony. That's how she normally did things. She doesn't remember Divna Maslenjak, Ms. Rahmeyer doesn't. Ms. Rahmeyer doesn't remember Ratko Maslenjak. All she could testify about is, "This is my procedure. This is how I normally did it."

So if she's asking Ratko Maslenjak about his military service, she's asking about Ratko's military service, who is she going to ask, her or Ratko Maslenjak?

I submit that from the very testimony of Monica Rahmeyer, her normal procedure would be to ask Mr. Maslenjak.

Talking time, how long ago that was, Monica Rahmeyer has no recollection of any of this, just some notes, that's it.

The government is asking you to convict this person, in part at least, based on notes, speaking to different family members 16 years ago in the most stressful conditions you could imagine.

The government had a witness, Jackie Guevara, testify. You'll recall her. That's the person that did the N-400 interview. Specifically, you'll see it in your exhibits, but it's Government's Exhibit 38. That's really a key document in this case. And I'll tell you why.

You will see in the instructions, when you get them, and the court has already instructed you – this is page 11, Counsel – on naturalization fraud. The court will tell you Count 1 of the indictment says, "On or about August 3rd, 2007, in the Northern District of Ohio, Eastern Division, Divna Maslenjak, while a citizen of Bosnia-Herzegovina, and an alien, did knowingly procure, contrary to law, her naturalization, that is: Divna Maslenjak made material false statements on a Form N-400 Application for Naturalization by answering 'no' to Question 23 which asked whether the applicant had 'knowingly given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion or removal' or by answering 'no' to Question Number 24 which asked whether the applicant had 'ever lied to any U.S. government official to gain entry or admission into the United States' and answering the same during her interview for naturalization when Divna Maslenjak then knew well that she had lied to government officials when applying for her refugee status and her lawful

permanent resident status and thereby gained admission into the United States," then cites the code section.

So Count 1 is based on something that happened on or about August 3rd, 2007. Count 1 is based on a form that was signed that date by Divna Maslenjak, and an interview that took place that date with Divna Maslenjak.

And, again, I ask you to look very carefully when you deliberate in this case at Government's Exhibit 38, because I respectfully submit that based on the evidence, that's what Count 1 is all about, it's about that interview with Ms. Guevara.

You'll remember her testimony – Ms. Guevara. She said that in May of 2007, she had an interview with Divna Maslenjak. Do you remember that the interview didn't get completed? It didn't get completed because Mrs. Maslenjak was unable to sufficiently communicate in English.

Do you recall? This was without an interpreter. These N-400 interviews take place without an interpreter. So she was unable to communicate in English sufficiently during the interview, so she had to come back again in July of 2007. That's when it got approved. And the form is dated, for the interview date, July 20th, 2007, on Government's Exhibit 38.

So in May of 2007, again, Ms. Maslenjak could not sufficiently communicate in English for the interview to even take place, and yet in July, the interview takes place, no interpreter. This form is gone through by Jackie Guevara with Ms. Maslenjak, and it is signed by Ms. Maslenjak.

So, what do we know? Here's the form (indicating); you'll have it. Government's Exhibit 38 is ten pages long, ten pages. There are many, many boxes that had to get checked, a lot of stuff that has to get filled out on this form by Ms. Guevara during this interview with Divna Maslenjak.

You'll recall Ms. Guevara has no independent recollection, she testified, of the interview of Divna Maslenjak or what took place in that interview. She doesn't – she said – remember, I asked her, I said, "How many of these interviews have you done?" And I don't recall the number, but it was an awful lot that she said, an awful lot. She does lots and lots of those interviews.

And how long do these interviews last? Do you recall the testimony? Not a very long time. Minutes.

I am going to ask you to use your reason and common sense in considering what was going on in Divna Maslenjak's mind as this interview is taking place, where she is trying to get through talking to somebody in English during that interview.

Let me talk to you for a moment about – I'll come back to this, but let me talk to you for a moment about Divna Maslenjak and the English language.

You heard the testimony from Christine Williams. Christine Williams testified that she's a manager, or the manager, at Milich's, which is a restaurant in Barberton.

You've heard her testify, Divna Maslenjak started working there, I believe she said 2001. She'd been there for a long time. She works six days a week. She works in the evening. She prepares food. She cleans up.

Part of the reason that it's been a good place for Divna Maslenjak to work is because people there speak Serbian. There are not so many Serbian-speaking people there now, but when she started, you'll recall the testimony, this restaurant that seats 440 people, there were lots of Serbian people, because the people that own the restaurant are of Serbian descent.

So they hire a lot of Serbian people that came over like Divna Maslenjak. They give them an opportunity. And she has taken advantage of that opportunity, worked six days a week, 15 years now.

Her English, Ms. Williams testified, is very poor. It's even very poor now. But can you imagine how it was when she came to the United States? This is somebody that when they want her to prepare the food to put the right things on the plate, they give her – they give her slips. She knows what the slip says.

But she doesn't have to work with the customers or anybody else there that speaks English. She's insulated or isolated. She's by herself. So that's how she functions on her job.

Clearly, by this very, I submit, honest, decent, believable witness, Christine Williams, if Divna Maslenjak doesn't speak English well now, ladies and gentlemen, certainly she didn't speak English well in 1998, and certainly she didn't speak English well in 2007 when she went through this interview with Ms. Guevara.

Let's look at the questions themselves the government bases its case on. Twenty-three and twenty-four are on page 8 of Government's Exhibit 38.

"Question: Have you ever given false or misleading information to any U.S. government official while

applying for any immigration benefit or to prevent deportation, exclusion or removal?"

This almost sounds, and I don't make light of it, like one of those things when we hear something about buying a drug – getting some type of prescription for a drug that's advertised on television, then you hear all the possible side effects and they run right through them.

Again, "Have you ever given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion or removal?"

This was said to her in English several months after she couldn't even understand enough English to go through an interview and the interview had to be stopped. "Immigration benefit." I submit to you, do you think she understood what an "immigration benefit" meant in English at that time?

Twenty-four, "Have you ever lied to any U.S. government official to gain entry or admission into the United States?"

Did she understand what she was being asked? Did she understand what time period she was being asked? How long did it take to ask these questions? You'll see these check marks right down each one, "No," "No," "No," "No," "No," right down the list.

How much conversation, if any, how much explanation took place, if any, about these questions? And, again, using your reason and common sense, and that standard of proof that you apply in deciding the most important of your own affairs, as the judge has instructed you, is that enough to convict somebody for not being truthful on this application, knowingly not

being truthful? And it does have to be knowingly. And the court has instructed you on the elements of knowingly.

So what this case is based on, Count 1, again, is what happened on August 3rd, 2007. The government has the burden of proving its case, each and every element, beyond a reasonable doubt.

I submit to you that based on the evidence, as to Count 1, Ms. Maslenjak is not guilty.

As to Count 2, at the top of your verdict form that you'll see, it's a two-sided verdict form, but the top of the verdict form, after you turn the page on Count 1 and turn it over to Count 2, it states, per the court, "Complete this page only if your verdict on Verdict Form - Count 1 is guilty." Otherwise, you don't even consider that.

And I submit to you that if you did consider the evidence as to Count 2 is the same, for the reasons I've talked about, not guilty. But I submit that you don't even – based on the evidence, there's no need to go to Count 2, because Divna Maslenjak is not guilty of Count 1.

Ladies and gentlemen, you've heard lots of evidence over the past several days. You've heard evidence about a very serious war. You've heard evidence about military service. You've heard all kinds of evidence.

But, ladies and gentlemen, what I respectfully ask you to do when you deliberate in this case is -- because I know you will, but look at -- look at the instructions before you do anything. Please, consider them, look them over, look at that exhibit I talked to you about, use your reason and common sense, apply the law as the judge has instructed you, and I ask you, based on

the evidence and the law that applies, to find Ms. Maslenjak not guilty. Thank you.

THE COURT: Thank you, Mr. Cahoon.

Rebuttal close for the United States?

MR. HOLLINGSWORTH: Thank you, Your Honor.

Ladies and gentlemen of the jury, Mr. Cahoon has talked a lot about Ms. Maslenjak's proficiency in English. But her ability to speak English had nothing to do with the content and substance of her application to become a refugee.

That all came from her, and it came from her in Serbian, and it was translated into English so the U.S. government officials could read it, understand it and follow up.

Her ability to speak English had nothing to do with the answers she gave in Serbian during the refugee interview that was translated into English by a fluent English and Serbian speaker.

Those are the lies that we're talking about that form the foundation of her claim to U.S. citizenship. And it had nothing to do with her ability to speak English.

Ladies and gentlemen, I'd ask you to consider the consistency of the lie. From January 1998 when it was first put out there, the interview in April '98 where it was consistent, and every subsequent immigration document that was submitted that asked about location or military service. It was all consistent.

And I'd like you to consider the importance of the lie. You all know from your common sense that not every lie means the same. And the judge has instructed you that under the law, it doesn't matter whether the

lie was significant, and that is the law, and you should follow that law. But you all know from your common sense that not every lie is the same.

And in this case, when the defendant sat across from Monica Rahmeyer in Serbia in 1998 and told this lie, Monica Rahmeyer was over there working on your behalf, trying to ensure that she did her job and she did her job well, protecting our borders and making sure that she didn't allow anyone into the country that didn't deserve, that didn't qualify under the refugee law.

And so, ladies and gentlemen, you have to consider the definition of a refugee. What is a "refugee"? It is someone who has been kicked out of their home. It's a person without a country, a person in the most desperate situations and circumstances you can imagine. It's a person who has nowhere to turn, and they are asking for another country to protect them.

She was in a position trying to evaluate who gets a "yes" and who gets a "no."

And you heard testimony from Todd Gardner that there was a limit, that they couldn't let everyone in. And if someone acquired refugee status by fraud, that meant –

MR. CAHOON: Objection, Your Honor.

THE COURT: Overruled.

MR. HOLLINGSWORTH: – that meant fewer spots for someone else who was deserving. That's why the lie is important. That's why we require people to tell the truth.

This may be a lie that is rooted in a document, but this is not a victimless crime. The lies had consequences, and the lies were important.

Thank you.

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